



General Assembly

January Session, 2009

Governor's Bill No. 6371

LCO No. 3044

03044_____

Referred to Committee on Environment

Introduced by:

REP. CAFERO, 142nd Dist.

SEN. MCKINNEY, 28th Dist.

AN ACT CONCERNING FUNDING FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 14-21e of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2009*):

4 (b) The Commissioner of Motor Vehicles shall establish, by
5 regulations adopted in accordance with chapter 54, a fee to be charged
6 for Long Island Sound commemorative number plates in addition to
7 the regular fee or fees prescribed for the registration of a motor vehicle.
8 The fee shall be for such number plates with letters and numbers
9 selected by the Commissioner of Motor Vehicles. The Commissioner of
10 Motor Vehicles may establish a higher fee for: (1) Such number plates
11 which contain letters in place of numbers as authorized by section 14-
12 49, in addition to the fee or fees prescribed for plates issued under said
13 section; and (2) such number plates which are low number plates, in
14 accordance with section 14-160, in addition to the fee or fees prescribed

15 for plates issued under said section. The Commissioner of Motor
16 Vehicles shall establish, by regulations adopted in accordance with the
17 provisions of chapter 54, an additional voluntary lighthouse
18 preservation donation which shall be deposited in the Connecticut
19 Lighthouse Preservation account established under section 22a-27n.
20 All fees established and collected pursuant to this section shall be
21 deposited in the [Long Island Sound account established pursuant to
22 section 22a-27k] General Fund.

23 Sec. 2. Section 14-49b of the general statutes is repealed and the
24 following is substituted in lieu thereof (*Effective July 1, 2009*):

25 [(a)] For each new registration or renewal of registration of any
26 motor vehicle with the Commissioner of Motor Vehicles pursuant to
27 this chapter, the person registering such vehicle shall pay to the
28 commissioner a fee of ten dollars for registration for a biennial period
29 and five dollars for registration for an annual period, except that any
30 individual who is sixty-five years of age or older on or after January 1,
31 1994, may, at the discretion of such individual, pay the fee for either a
32 one-year or two-year period. The provisions of this section shall not
33 apply with respect to any motor vehicle which is not self-propelled,
34 which is electrically powered, or which is exempted from payment of a
35 registration fee. This fee may be identified as the "federal Clean Air Act
36 fee" on any registration form provided by the commissioner. Payments
37 collected pursuant to the provisions of this section shall be deposited
38 as follows: (1) Fifty-seven and one-half per cent of such payments
39 collected shall be deposited into the Special Transportation Fund
40 established pursuant to section 13b-68, and (2) forty-two and one-half
41 per cent of such payments collected shall be deposited [in a treasurer's
42 account and credited to a separate, nonlapsing federal Clean Air Act
43 account which shall be established by the Comptroller within the] into
44 the General Fund. [The federal Clean Air Act account may be used to
45 pay any costs to state agencies of implementing the requirements of
46 the federal Clean Air Act Amendments of 1990 that are not otherwise
47 met by the fees collected pursuant to section 22a-174 and any funds

48 transferred to the account pursuant to section 22a-27m may
49 additionally be used by the Commissioner of Environmental
50 Protection to carry out the provisions of chapter 446c. All moneys
51 deposited in this account are deemed to be appropriated for this
52 purpose.] The fee required by this section is in addition to any other
53 fees prescribed by any other provision of this title for the registration
54 of a motor vehicle.

55 [(b) The Commissioner of Environmental Protection, in consultation
56 with the Commissioner of Motor Vehicles, shall annually, within
57 ninety days prior to the beginning of the next ensuing fiscal year,
58 submit to the Secretary of the Office of Policy and Management an
59 annual operating budget for the federal Clean Air Act account,
60 providing for the operation of programs to implement the federal
61 Clean Air Act Amendments of 1990, to the extent that the payment of
62 such costs has not otherwise been adequately provided for. Such
63 annual operating budget shall include an estimate of revenues from
64 the fees and charges fixed by law, and from any and all other sources,
65 to meet the estimated expenditures of the federal Clean Air Act
66 account for such fiscal year. Within thirty days prior to the first day of
67 such fiscal year the Secretary of the Office of Policy and Management
68 shall approve said annual operating budget, with such changes,
69 amendments, additions and deletions as shall be agreed upon prior to
70 that date by the Commissioner of Environmental Protection and the
71 Secretary of the Office of Policy and Management.]

72 Sec. 3. Section 15-155 of the general statutes is repealed and the
73 following is substituted in lieu thereof (*Effective July 1, 2009*):

74 [(a)] All revenue received by the state, annually, for the twelve-
75 month period from November first to October thirty-first, inclusive, in
76 fees for the numbering and registration of vessels under section 15-144
77 shall be paid to the Treasurer and allocated [and distributed as follows:
78 (1) The first one million dollars, and any balance in excess of the
79 amounts required under subdivision (2) of this subsection, shall be

80 deposited in the Conservation Fund and credited to the separate
81 account known as the boating account and (2) an amount equal to the
82 amount of property tax paid on vessels on the assessment list of
83 October 1, 1978, in each town, as defined in section 15-127, to the
84 extent such revenue is sufficient, shall be distributed to such towns in
85 lieu of property tax on vessels in the manner set forth and as
86 determined by section 15-155b. The boating account shall be an
87 account of the Conservation Fund. In the event that total revenue from
88 such fees for any period of twelve months from November first to
89 October thirty-first next following, inclusive, is less than the amount
90 necessary to credit the sum of one million dollars to the boating
91 account, as provided under subdivision (1) of this subsection, and
92 make such distribution equivalent to the total of certain property taxes
93 paid on vessels in each town, as provided under subdivision (2) of this
94 subsection, the additional amount necessary to provide for such credit
95 and payment in full shall be allocated for such purpose from any
96 unallocated funds in the boating account, as determined immediately
97 following the end of such period of twelve months] to the General
98 Fund.

99 [(b) The boating account shall be used for the following purposes:
100 (1) All expenses incurred by the Commissioner of Motor Vehicles and
101 the Commissioner of Environmental Protection in the administration
102 and enforcement of this part and the laws and regulations of the state
103 respecting boating safety and water pollution from vessels, and any
104 payments in accordance with subsection (a) of this section that may be
105 necessary for purposes of the distribution to towns in lieu of property
106 tax on vessels. (2) Expenditures for boating safety, boating education,
107 marine patrols and enforcement training programs, and for the
108 acquisition, construction, maintenance and improvement of
109 recreational and navigational facilities related to boating. (3) Any town
110 which incurs expenses in the enforcement of this part or any law or
111 regulation of the state respecting boating safety, vessel theft prevention
112 or recovery, search and rescue or water pollution from vessels shall be
113 entitled to reimbursement from such moneys in said account as are not

114 provided for under subdivision (2) of this subsection. On or before the
115 first day of December each year, each town desiring such
116 reimbursement shall submit its request to the Commissioner of
117 Environmental Protection with a verified statement of expenses so
118 incurred during the preceding year. Upon receipt of such request on a
119 form prescribed by the Commissioner of Environmental Protection
120 said commissioner shall allow such expenses as he finds were
121 reasonable and necessary and shall certify such amounts to the
122 Comptroller for payment to the requesting town. If funds are
123 insufficient to reimburse in full each town so applying, reimbursement
124 shall be made on a pro rata basis. The determination of the amounts
125 available for reimbursement under this subsection shall be made by
126 the Commissioner of Environmental Protection annually in the month
127 of November. (4) The balance of such revenue remaining after
128 payment of the foregoing expenses shall be allocated for use of the
129 several towns for boating safety education and for the construction,
130 maintenance and improvement of boating facilities. Any town desiring
131 to obtain such funds shall apply to the Commissioner of
132 Environmental Protection, giving such information about the proposed
133 use as he may require. Said commissioner may approve payment to
134 any municipality, in amounts not exceeding two thousand dollars per
135 town per year, upon satisfactory evidence that the proposed use has
136 been approved as prescribed by law by the legislative body of the
137 requesting town, that it is needed for the safety or convenience of the
138 boating public, that it is not in conflict with any program planned or
139 undertaken by any agency of the state and that it will not adversely
140 affect any privately-owned and operated boating facility.

141 (c) The Commissioners of Environmental Protection and Motor
142 Vehicles shall annually on or before December thirty-first, submit
143 separate reports to the joint standing committee of the General
144 Assembly having cognizance of matters relating to state finance,
145 revenue and bonding, on the operation of the boating account. The
146 report shall contain a detailed statement of expenditures related to
147 each of the purposes set forth in subsection (b) for the twelve-month

148 period ending October thirty-first, a projected budget for such
149 purposes for the next succeeding twelve-month period and
150 recommendations, if any, concerning the operation of the account and
151 the boating safety and enforcement programs.]

152 Sec. 4. Section 22a-6f of the general statutes is repealed and the
153 following is substituted in lieu thereof (*Effective July 1, 2009*):

154 (a) Each annual fee charged by the Commissioner of Environmental
155 Protection pursuant to the general statutes shall be due on or before
156 July first of each year, unless otherwise specified in the general statutes
157 or in regulations adopted pursuant thereto. The fee for late payment of
158 an annual fee charged by said commissioner pursuant to the general
159 statutes shall be ten per cent of the annual fee due, plus one and one-
160 quarter per cent per month or part thereof that the annual fee remains
161 unpaid. Each permit fee and permit application fee charged by the
162 commissioner pursuant to the general statutes is due upon the
163 submission of the permit application, unless otherwise specified in the
164 general statutes or in regulations adopted pursuant thereto. Each
165 permit fee and permit application fee payable to the commissioner
166 shall apply equally to the issuance, renewal, modification and transfer
167 of a permit unless otherwise specified in the general statutes or in
168 regulations adopted pursuant thereto. The commissioner may waive
169 any fee payable to him as it applies to the activities of an agency,
170 board, commission, council or department of the state, provided such
171 agency, board, commission, council or department compensates the
172 Department of Environmental Protection in an amount equal to such
173 fee pursuant to a written agreement.

174 (b) Notwithstanding any provision of the general statutes or any
175 regulation adopted under this title, on and after August 20, 2003, each
176 fee in effect pursuant to regulations adopted pursuant to any section of
177 this title that is greater than one hundred dollars shall be increased by
178 fifty per cent and all such fees of one hundred dollars or less shall be
179 doubled, provided no such fee shall be less than one hundred dollars.

180 (c) Notwithstanding the provisions of subsection (b) of this section:
181 (1) The fees and annual adjustment for Title V emissions shall be
182 assessed pursuant to the regulations adopted under section 22a-174, as
183 amended by this act; (2) each fee imposed pursuant to a general
184 permit, in effect on or before August 20, 2003, shall be double the
185 amount specified in such permit; and (3) each fee imposed pursuant to
186 a certificate of permission, issued in accordance with section 22a-363b,
187 shall be double the amount in effect on or before August 20, 2003.

188 (d) Notwithstanding any provision of the general statutes or any
189 regulation adopted under this title, on and after July 1, 2009, any fee in
190 effect pursuant to regulations adopted pursuant to any section of this
191 title that is greater than one thousand dollars shall be increased by two
192 hundred fifty dollars, any such fee that is greater than or equal to one
193 hundred fifty dollars, but less than or equal to one thousand dollars,
194 shall be increased by twenty-five per cent and rounded up to the
195 nearest whole five-dollar increment and any such fee of less than one
196 hundred fifty dollars shall be doubled.

197 ~~[(d)]~~ (e) Unless otherwise specified in a general permit, the
198 registration fee for a general permit shall be as follows: (1) If the person
199 intending to engage in the regulated activity is required to register
200 with the Department of Environmental Protection and obtain approval
201 of the registration before the activity is authorized, one thousand
202 dollars; or (2) if the person intending to engage in the regulated
203 activity is only required to register with the Department of
204 Environmental Protection before the activity is authorized, five
205 hundred dollars. No fee for a general permit shall exceed five
206 thousand dollars.

207 ~~[(e)]~~ (f) Unless otherwise established by regulations adopted
208 pursuant to section 22a-354i, the fee for a permit of a regulated activity,
209 as described in section 22a-354i, shall be one thousand dollars and the
210 fee to register such regulated activity with the Department of
211 Environmental Protection, pursuant to section 22a-354i, shall be five

212 hundred dollars.

213 [(f)] (g) The fee for a consolidated general permit issued in
214 accordance with more than one section of this title shall be specified in
215 such general permit and shall not exceed the total sum for individual
216 general permits, as authorized pursuant to subdivision (2) of
217 subsection (c) of this section.

218 Sec. 5. Section 22a-27j of the general statutes is repealed and the
219 following is substituted in lieu thereof (*Effective July 1, 2009*):

220 (a) Any person, firm or corporation, other than a municipality,
221 making an application for any approval required by chapters 124, 126,
222 440 and 444 or by regulations adopted pursuant to said chapters shall
223 pay a fee of twenty dollars, in addition to any other fee which may be
224 required, to the municipal agency or legislative body which is
225 authorized to approve the application. On and after July 1, 2004, the
226 fee shall be thirty dollars. On and after July 1, 2009, the fee shall be
227 sixty dollars. Such municipal agency or legislative body shall collect
228 such fees, retaining two dollars of such fee for administrative costs,
229 and shall pay the remainder of such fees quarterly to the Department
230 of Environmental Protection and the receipts shall be deposited into
231 [an account of the State Treasurer and credited to the Environmental
232 Quality Fund established pursuant to section 22a-27g. The portion of
233 such fund attributable to the fees established by this section shall be
234 used by the Department of Environmental Protection as follows: (1)
235 Nineteen dollars shall be used for the purpose of funding the
236 environmental review teams program of the Bureau of Water
237 Management within said department, the Council on Soil and Water
238 Conservation established pursuant to section 22a-315 and the eight
239 county soil and water conservation districts, and (2) nine dollars shall
240 be deposited into the hazard mitigation and floodplain management
241 account established pursuant to section 22a-27q and used for grants
242 under section 25-68k] the General Fund.

243 (b) Not later than three months following the close of each fiscal

244 year starting with fiscal year July 1, 2000, the Department of
245 Environmental Protection shall identify those municipalities that are
246 not in compliance with subsection (a) of this section for the previous
247 fiscal year and shall provide the Office of Policy and Management with
248 a list of such municipalities. The list shall be submitted annually and in
249 such manner as the Office of Policy and Management may require. The
250 Office of Policy and Management, when issuing the first payment from
251 the Mashantucket Pequot and Mohegan Fund established pursuant to
252 section 3-55i, in the fiscal year during which said list is received, shall
253 reduce said payment to a municipality by one thousand dollars for
254 each quarter of the preceding fiscal year that the municipality has not
255 been in compliance with subsection (a) of this section to a maximum of
256 four thousand dollars in each fiscal year. [The Office of Policy and
257 Management shall certify to the State Comptroller the amount of any
258 funds withheld under this subsection to be transferred to the
259 Environmental Quality Fund for the uses set forth in subsection (a) of
260 this section, and the State Comptroller shall cause said amount to be
261 transferred to such fund.]

262 Sec. 6. Subsection (g) of section 22a-50 of the general statutes is
263 repealed and the following is substituted in lieu thereof (*Effective July*
264 *1, 2009*):

265 (g) The registrant shall pay a fee of [seven hundred fifty] nine
266 hundred forty dollars for each pesticide registered and for each
267 renewal of a registration. A registration shall expire after five years.
268 The commissioner shall establish regulations to phase in pesticide
269 registration so that one fifth of the pesticides registered expire each
270 year. The commissioner may register a pesticide for less than five years
271 and prorate the registration fee accordingly to implement the
272 regulations established pursuant to this subsection. The fees collected
273 in accordance with this section shall be deposited in the General Fund.
274 [provided, on and after October 1, 1997, two hundred dollars from
275 each payment of the fee required under this subsection shall be
276 deposited into the Environmental Quality Fund established under

277 section 22a-27g and shall be used by the commissioner to carry out the
278 purposes of section 22a-66l.]

279 Sec. 7. Subsections (e) and (f) of section 22a-54 of the general statutes
280 are repealed and the following is substituted in lieu thereof (*Effective*
281 *July 1, 2009*):

282 (e) The following provisions shall govern the certification of aircraft
283 applicators:

284 (1) No person shall apply, offer to apply or cause to be applied any
285 pesticide or fertilizer by aircraft without a certificate or permit issued
286 in accordance with the provisions of this subsection.

287 (2) Upon application of any person qualified to fly an aircraft, the
288 commissioner may issue a certificate for the application of pesticides or
289 fertilizers by aircraft. Application for said certificate shall be on forms
290 provided by the commissioner and shall be accompanied by a fee of
291 fifty dollars.

292 (3) The commissioner may issue a permit to the owner of any crop
293 or land, or to a representative designated by such owner, for
294 application of pesticides or fertilizers by a certified aircraft applicator.
295 Application for said permit shall be on forms provided by the
296 commissioner and shall be accompanied by a fee established by the
297 commissioner by regulations adopted in accordance with the
298 provisions of chapter 54 provided the fee shall be not less than [ten]
299 twenty dollars. The commissioner may waive the application form and
300 fee requirements imposed pursuant to regulations adopted in
301 accordance with the provisions of chapter 54 in circumstances where
302 application of broad spectrum chemical pesticides from the air is
303 necessary to control specific vectors of human disease which pose an
304 imminent threat to public health. The commissioner may require
305 inspection of the crop or area and its immediate environs and approval
306 as follows:

307 (A) For agricultural crops, nurseries and orchards, by the director of
308 the Connecticut Agricultural Experiment Station;

309 (B) For rodent control, woodland spraying and mosquito control
310 spraying, by the commissioner;

311 (C) For control of vectors of human disease, by the Commissioner of
312 Public Health.

313 (4) The commissioner shall designate the kind and amount of
314 pesticides permitted for use by aircraft. Permits for aircraft spraying in
315 congested areas shall be issued only with the approval of the director
316 of health of the municipality in which the operation is to be conducted
317 except in circumstances where the commissioner determines that the
318 application of broad spectrum chemical pesticides from the air is
319 necessary to control specific vectors of human disease which pose an
320 imminent threat to public health.

321 (5) The commissioner, with the advice of the Commissioner of
322 Transportation, may adopt such regulations as he deems necessary for
323 the protection of public health, aquatic and animal life and public and
324 private property, governing:

325 (A) The type of aircraft to be used;

326 (B) The hours during which aircraft may be so used;

327 (C) The wind and weather conditions under which aircraft spraying
328 or dusting may be performed;

329 (D) The minimum area on which aircraft spraying or dusting may
330 be done; and

331 (E) The amount of public liability and property damage insurance to
332 be carried by the aircraft applicator.

333 (6) No person may apply pesticides or fungicides by aircraft or by
334 misting-type devices to shade tobacco crops within three hundred feet

335 of an inhabited residential building for which a certificate of
336 occupancy was issued prior to January 1, 1997, without the written
337 permission of the owner of such building, except spray applications
338 may be administered within the confines of the netting. This
339 subdivision shall not apply to an application of pesticides or
340 fungicides to land which was poled for the cultivation of shade tobacco
341 between January 1, 1994, and January 1, 1997.

342 (f) The commissioner may by regulation prescribe fees for
343 applicants to defray the cost of administering examinations and
344 assisting in carrying out the purposes of section 22a-451, as amended
345 by this act, except the fees for certification and renewal of a
346 certification shall be as follows: (1) For supervisory certification as a
347 commercial applicator, two hundred [twenty-five] eighty-five dollars;
348 (2) for operational certification as a commercial applicator, [forty]
349 eighty dollars, and (3) for certification as a private applicator, [fifty]
350 one hundred dollars. A federal, state or municipal employee who
351 applies pesticides solely as part of his employment shall be exempt
352 from payment of a fee. Any certificate issued to a federal, state or
353 municipal employee for which a fee has not been paid shall be void if
354 the holder leaves government employment. The fees collected in
355 accordance with this section shall be deposited in the General Fund.

356 Sec. 8. Section 22a-54a of the general statutes is repealed and the
357 following is substituted in lieu thereof (*Effective July 1, 2009*):

358 The owner of any golf course which has a course length greater than
359 one thousand yards shall, not later than December thirty-first
360 annually, pay a fee of two hundred fifty dollars to the Commissioner
361 of Environmental Protection to assist in carrying out the purposes of
362 section 22a-451, as amended by this act. The fees collected in
363 accordance with this section shall be deposited in the General Fund.

364 Sec. 9. Subsection (c) of section 22a-56 of the general statutes is
365 repealed and the following is substituted in lieu thereof (*Effective July*
366 *1, 2009*):

367 (c) Any person who distributes, sells, offers for sale, holds for sale or
368 offers to deliver any restricted or permit use pesticide to any person in
369 the state shall register his name and address with the commissioner
370 annually. The commissioner may by regulations adopted in
371 accordance with the provisions of chapter 54 require the payment of a
372 fee sufficient to cover the cost of administering examinations for
373 registration and assisting in carrying out the purposes of section 22a-
374 451, as amended by this act. The fee for each annual registration shall
375 be [sixty] one hundred twenty dollars. The fees collected in accordance
376 with this section shall be deposited in the General Fund.

377 Sec. 10. Subsection (c) of section 22a-66c of the general statutes is
378 repealed and the following is substituted in lieu thereof (*Effective July*
379 *1, 2009*):

380 (c) An application for a certificate shall be accompanied by payment
381 of a fee of [one hundred twenty] two hundred forty dollars. The
382 commissioner may waive payment of the fee for the initial renewal of a
383 certificate issued during the three months prior to expiration. A
384 pesticide application business which employs not more than one
385 certified applicator shall be exempt from payment of a fee. An
386 application for a certificate or renewal shall not be deemed to be
387 complete or sufficient until the fee is paid in full. Funds received by the
388 commissioner in accordance with the provisions of this section shall be
389 deposited in the General Fund.

390 Sec. 11. Section 22a-66z of the general statutes is repealed and the
391 following is substituted in lieu thereof (*Effective July 1, 2009*):

392 The Commissioner of Environmental Protection may issue permits
393 for the introduction of chemicals into the waters of the state for the
394 control of aquatic vegetation, fish populations or other aquatic
395 organisms. Application for said permit shall be on forms provided by
396 the commissioner and shall be accompanied by a fee established by the
397 commissioner by regulations adopted in accordance with the
398 provisions of chapter 54 provided the fee shall be not less than

399 [twenty] forty dollars. No permit shall be issued without prior
400 approval, if the proposed application of chemicals involves areas
401 tributary to reservoirs, lakes, ponds or streams used for public water
402 supply, by the Commissioner of Public Health. Each permittee shall be
403 responsible for any and all damages resulting from the applications of
404 any pesticide to control aquatic vegetation, fish populations or other
405 organisms. The commissioner, acting with the Department of Public
406 Health, may establish regulations governing the use of pesticides in
407 the waters of the state, including the marine district. The provisions of
408 this section shall not apply to normal, emergency or experimental
409 operations of the Department of Environmental Protection, the
410 Department of Public Health or public water supply utilities, except
411 that chemicals may not be applied to waters used for water supply
412 furnished to the public or tributary to such water supply without prior
413 approval of the Department of Public Health. Enforcement officers of
414 the Department of Environmental Protection and the Department of
415 Public Health may enforce the provisions of this section.

416 Sec. 12. Section 22a-133f of the general statutes is repealed and the
417 following is substituted in lieu thereof (*Effective July 1, 2009*):

418 (a) The costs of remedial action pursued in accordance with the
419 provisions of section 22a-133e may be paid from (1) [the emergency
420 spill response account established pursuant to section (d) of section
421 22a-451] available appropriations, or (2) any account authorized under
422 subsection (a) of section 29 of special act 87-77 or subdivision (5) of
423 subsection (e) of section 2 of special act 86-54. The costs may be paid
424 from such funds and accounts provided the commissioner determines
425 that the threat to the environment and public health from the site is
426 unacceptable and (A) the commissioner is unable to determine the
427 responsible party for the disposal or cleanup of the hazardous waste,
428 (B) the responsible party is not in timely compliance with orders
429 issued by the commissioner to provide remedial action, or (C) the
430 commissioner has not issued a final decision on an order to a
431 responsible party to provide remedial action because of (i) a request

432 for a hearing made pursuant to section 22a-436 or sections 4-177 to 4-
433 182, inclusive, or (ii) an order issued pursuant to said section 22a-436 is
434 subject to an appeal pending before the Superior Court pursuant to
435 section 22a-437 or sections 4-183 and 4-184.

436 (b) The commissioner shall adopt regulations in accordance with
437 chapter 54, setting forth priorities for the use of such funds and
438 accounts. In setting such priorities the commissioner shall consider any
439 factor he deems appropriate, including the score developed pursuant
440 to section 22a-133d.

441 Sec. 13. Section 22a-133v of the general statutes is repealed and the
442 following is substituted in lieu thereof (*Effective July 1, 2009*):

443 (a) As used in this section: (1) "Environmental professional" means a
444 person who is qualified by reason of his knowledge, as specified in
445 subsection (e) of this section, to engage in activities associated with the
446 investigation and remediation of pollution and sources of pollution
447 including the rendering or offering to render to clients professional
448 services in connection with the investigation and remediation of
449 pollution and sources of pollution; (2) "pollution" means pollution, as
450 defined in section 22a-423; and (3) "commissioner" means the
451 Commissioner of Environmental Protection or his designated agent.

452 (b) There shall be within the Department of Environmental
453 Protection a State Board of Examiners of Environmental Professionals.
454 The board shall consist of eleven members. One member, who shall be
455 the chairman of the board, shall be the Commissioner of
456 Environmental Protection, or his designee. The Governor shall appoint
457 the other ten members of the board who shall consist of the following:
458 Six members shall be licensed environmental professionals or, prior to
459 the publication by the board of the first roster of licensed
460 environmental professionals, persons on the list maintained by the
461 commissioner pursuant to subsection (h) of this section, including at
462 least two having hydrogeology expertise and two who are licensed
463 professional engineers; two members who are active members of an

464 organization that promotes the protection of the environment; one
465 member who is an active member of an organization that promotes
466 business; and one member who is an employee of a lending institution.
467 The members of the board shall administer the provisions of this
468 section as to licensure and issuance, reissuance, suspension or
469 revocation of licenses concerning environmental professionals. The
470 Governor may remove any member of the board for misconduct,
471 incompetence or neglect of duty. The members of the board shall
472 receive no compensation for their services but shall be reimbursed for
473 necessary expenses incurred in the performance of their duties. The
474 board shall keep a true and complete record of all its proceedings.

475 (c) A licensed environmental professional shall perform his duties in
476 accordance with the standard of care applicable to professionals
477 engaged in such duties. The commissioner, with advice and assistance
478 from the board, may adopt regulations, in accordance with the
479 provisions of chapter 54, concerning professional ethics and conduct
480 appropriate to establish and maintain a high standard of integrity and
481 dignity in the practice of an environmental professional and may make
482 rules for the conduct of the board's affairs and for the examination of
483 applicants for licenses.

484 (d) The commissioner shall receive and account for all moneys
485 derived under the provisions of this section and shall deposit such
486 moneys in the [Environmental Quality Fund established pursuant to
487 section 22a-27g] General Fund. The board shall keep a register of all
488 applications for licenses with the actions of the board thereon. A roster
489 showing the names of all licensees shall be prepared each year. A copy
490 of such roster shall be placed on file with the Secretary of the State.

491 (e) The board shall authorize the commissioner to issue a license
492 under subsection (d) of section 22a-133m, sections 22a-184 to 22a-184e,
493 inclusive, this section and section 22a-133w to any person who
494 demonstrates to the satisfaction of the board that such person: (1) (A)
495 Has for a minimum of eight years engaged in the investigation and

496 remediation of releases of hazardous waste or petroleum products into
497 soil or groundwater, including a minimum of four years in responsible
498 charge of investigation and remediation of the release of hazardous
499 waste or petroleum products into soil or groundwater, and holds a
500 bachelor's or advanced degree from an accredited college or university
501 in a related science or related engineering field or is a professional
502 engineer licensed in accordance with chapter 391, or (B) has for a
503 minimum of fourteen years engaged in the investigation and
504 remediation of releases of hazardous waste or petroleum products into
505 soil or groundwater, including a minimum of seven years in
506 responsible charge of investigation and remediation of hazardous
507 waste or petroleum products into soil or groundwater; (2) has
508 successfully passed a written examination, or a written and oral
509 examination, prescribed by the board and approved by the
510 commissioner, which shall test the applicant's knowledge of the
511 physical and environmental sciences applicable to an investigation of a
512 polluted site and remediation conducted in accordance with
513 regulations adopted by the commissioner under section 22a-133k and
514 any other applicable guidelines or regulations as may be adopted by
515 the commissioner; and (3) has paid an examination fee of [one hundred
516 eighty-eight] two hundred thirty-five dollars to the commissioner. In
517 considering whether a degree held by an applicant for such license
518 qualifies for the educational requirements under this section, the board
519 may consider all undergraduate, graduate, postgraduate and other
520 courses completed by the applicant.

521 (f) The board shall authorize the commissioner to issue a license to
522 any applicant who, in the opinion of the board, has satisfactorily met
523 the requirements of this section. The issuance of a license by the
524 commissioner shall be evidence that the person named therein is
525 entitled to all the rights and privileges of a licensed environmental
526 professional while such license remains unrevoked or unexpired. A
527 licensed environmental professional shall pay to the commissioner an
528 annual fee of [three hundred thirty-eight] four hundred twenty-five
529 dollars, due and payable on July first of every year beginning with July

530 first of the calendar year immediately following the year of license
531 issuance. The commissioner, with the advice and assistance of the
532 board, may adopt regulations in accordance with the provisions of
533 chapter 54, pertaining to the design and use of seals by licensees under
534 this section and governing the license issuance and renewal process,
535 including, but not limited to, procedures for allowing the renewal of
536 licenses when an application is submitted not later than six months
537 after the expiration of the license without the applicant having to take
538 the examination required under subsection (e) of this section.

539 (g) The board may conduct investigations concerning the conduct of
540 any licensed environmental professional. The commissioner may
541 conduct audits of any actions authorized by law to be performed by a
542 licensed environmental professional. The board shall authorize the
543 commissioner to: (1) Revoke the license of any environmental
544 professional; (2) suspend the license of any environmental
545 professional; (3) impose any other sanctions that the board deems
546 appropriate; or (4) deny an application for such licensure if the board,
547 after providing such professional with notice and an opportunity to be
548 heard concerning such revocation, suspension, other sanction or
549 denial, finds that such professional has submitted false or misleading
550 information to the board or has engaged in professional misconduct
551 including, without limitation, knowingly or recklessly making a false
552 verification of a remediation under section 22a-134a, or violating any
553 provision of this section or regulations adopted under the provisions
554 of this section.

555 (h) The board shall hold the first examination pursuant to this
556 section no later than eighteen months after the date the commissioner
557 adopts regulations pursuant to section 22a-133k, and shall publish the
558 first roster of licensed environmental professionals no later than six
559 months after the date of such examination. Until such time as the
560 board publishes the first roster of licensed environmental
561 professionals, any person who (1) has for a minimum of eight years
562 engaged in the investigation and remediation of releases of hazardous

563 waste or petroleum products into soil or groundwater, including a
564 minimum of four years in responsible charge of investigation and
565 remediation of the release of hazardous waste or petroleum products
566 into soil or groundwater, (2) holds a bachelor's or advanced degree
567 from an accredited college or university in a related science or related
568 engineering field or is a professional engineer licensed in accordance
569 with chapter 391, and (3) pays a registration fee of two hundred
570 [twenty-five] eighty-five dollars may apply to the commissioner to be
571 placed on a list of environmental professionals. Any person on such
572 list may perform any duties authorized by law to be performed by a
573 licensed environmental professional until such time as the first roster
574 of licensed environmental professionals is published by the board.

575 (i) Nothing in this section shall be construed to authorize a licensed
576 environmental professional to engage in any profession or occupation
577 requiring a license under any other provisions of the general statutes
578 without such license.

579 Sec. 14. Subsection (e) of section 22a-133x of the general statutes is
580 repealed and the following is substituted in lieu thereof (*Effective July*
581 *1, 2009*):

582 (e) The fee for submitting an environmental condition assessment
583 form to the commissioner pursuant to this section shall be three
584 thousand two hundred fifty dollars and shall be paid at the time the
585 environmental condition assessment form is submitted. Any fee paid
586 pursuant to this section shall be deducted from any fee required by
587 subsection (m) or (n) of section 22a-134e, as amended by this act, for
588 the transfer of any parcel for which an environmental condition
589 assessment form has been submitted within three years of such
590 transfer.

591 Sec. 15. Section 22a-134e of the general statutes is repealed and the
592 following is substituted in lieu thereof (*Effective July 1, 2009*):

593 (a) As used in this section, "cost of remediation" shall include total

594 costs related to the complete investigation of pollution on-site and off-
595 site, evaluation of remediation alternatives, design and
596 implementation of approved remediation, operation and maintenance
597 costs for the remediation and postremediation monitoring.

598 (b) The fee for filing a Form I, as defined in section 22a-134, shall be
599 three hundred seventy-five dollars. The fee for filing a Form II shall be
600 one thousand [fifty] three hundred dollars except as provided for in
601 subsections (e) and (p) of this section.

602 (c) The fee for filing a Form III, after July 1, 1990, and before July 1,
603 1993, shall be as follows: (1) Four thousand five hundred dollars if the
604 cost of remediation is less than one hundred thousand dollars; (2)
605 seven thousand dollars if the cost of remediation is equal to or greater
606 than one hundred thousand dollars but less than five hundred
607 thousand dollars; (3) ten thousand dollars if the cost of remediation is
608 equal to or greater than five hundred thousand dollars but less than
609 one million dollars; and (4) thirteen thousand dollars if the cost of
610 remediation is equal to or greater than one million dollars.

611 (d) The fee for filing a Form III with the Commissioner of
612 Environmental Protection prior to July 1, 1990, and which concern a
613 site for which the commissioner had not given written approval of a
614 final remediation plan before July 1, 1990, shall be as follows: For a
615 Form III filed between October 1, 1985, and September 30, 1986, the fee
616 shall be twenty per cent of the amount specified in subsection (c) of
617 this section; for a Form III filed between October 1, 1986, and
618 September 30, 1987, the fee shall be forty per cent of the amount
619 specified in subsection (c) of this section; for a Form III filed between
620 October 1, 1987, and September 30, 1988, the fee shall be sixty per cent
621 of the amount specified in subsection (c) of this section; for a Form III
622 filed between October 1, 1988, and September 30, 1989, the fee shall be
623 eighty per cent of the amount specified in subsection (c) of this section
624 and for a Form III filed between October 1, 1989, and July 1, 1990, the
625 fee shall be ninety per cent of the amount specified in said subsection

626 (c).

627 (e) If a Form II is filed after July 1, 1990, and before October 1, 1995,
628 and within three years following completion of remedial measures as
629 approved by the Commissioner of Environmental Protection, the fee
630 for such transfer shall be the fee specified in subsection (c) of this
631 section.

632 (f) The fees specified in subsections (b) and (e) of this section shall
633 be due upon the filing of the notification required under section 22a-
634 134a.

635 (g) The fee specified in subsection (c) of this section shall be due in
636 accordance with the following schedule: (1) Four thousand five
637 hundred dollars shall be paid upon filing of the Form III; (2) the
638 balance, if any, shall be paid within thirty days of receipt from the
639 commissioner of written approval of a remedial action plan or within
640 thirty days of the issuance of an order, consent agreement or stipulated
641 judgment, whichever is earlier; (3) any remaining balance shall be paid
642 within thirty days after receipt of written notice from the
643 commissioner that it is due; (4) any refund, if applicable, will be paid
644 after receipt of a letter from the commissioner stating that no further
645 action is required or after receipt of a letter of compliance.

646 (h) The fee specified in subsection (d) of this section shall be due in
647 accordance with the following schedule: (1) Nine hundred dollars shall
648 be paid within thirty days of receipt of a written notice of a fee due
649 from the Commissioner of Environmental Protection; (2) the balance, if
650 any, shall be paid within thirty days of receipt from the commissioner
651 of written approval of a remedial action plan or within thirty days of
652 the issuance of an order, consent agreement or stipulated judgment,
653 whichever is earlier; (3) any remaining balance shall be paid within
654 thirty days after receipt of written notice from the commissioner that it
655 is due; (4) any refund, if applicable, will be paid after receipt of a letter
656 from the commissioner stating that no further action is required or
657 after receipt of a letter of compliance.

658 (i) The commissioner may adopt regulations, in accordance with the
659 provisions of chapter 54, to prescribe the amount of the fees required
660 pursuant to this section. Upon the adoption of such regulations, the
661 fees required by this section shall be as prescribed in such regulations.

662 (j) The fees specified in this section shall be paid by the certifying
663 party.

664 (k) The fee for filing a Form III, on and after July 1, 1993, and before
665 October 1, 1995, shall be as follows: (1) Twenty-three thousand dollars
666 if the cost of remediation is equal to or greater than one million dollars;
667 (2) twenty thousand dollars if the cost of remediation is equal to or
668 greater than five hundred thousand dollars but less than one million
669 dollars; (3) fourteen thousand dollars if the cost of remediation is equal
670 to or greater than one hundred thousand dollars but less than five
671 hundred thousand dollars; (4) four thousand five hundred dollars if
672 the cost of remediation is equal to or greater than fifty thousand
673 dollars but less than one hundred thousand dollars; (5) three thousand
674 dollars if the cost of remediation is equal to or greater than twenty-five
675 thousand dollars but less than fifty thousand dollars; and (6) two
676 thousand dollars if the cost of remediation is less than twenty-five
677 thousand dollars.

678 (l) The fee specified in subsection (k) of this section shall be due in
679 accordance with the following schedule: (1) Two thousand dollars
680 shall be paid upon the filing of the notification required under section
681 22a-134a if the cost of remediation is less than one hundred thousand
682 dollars; (2) six thousand dollars shall be paid upon filing of the
683 notification required under section 22a-134a if the cost of remediation
684 is equal to or greater than one hundred thousand dollars; (3) the
685 balance, if any, shall be paid within thirty days of receipt from the
686 commissioner of written approval of a remedial action plan or within
687 thirty days of the issuance of an order, consent agreement or stipulated
688 judgment, whichever is earlier; (4) any remaining balance shall be paid
689 within thirty days after receipt of written notice from the

690 commissioner that it is due; (5) any refund, if applicable, will be paid
691 after receipt of a letter from the commissioner stating that no further
692 action is required or after receipt of a letter of compliance. After the
693 deposit of any appropriated funds, funds from the sale of bonds of the
694 state or any contribution pursuant to section 22a-16a, 22a-133t or 22a-
695 133u or section 3 of public act 96-250* to the Special Contaminated
696 Property Remediation and Insurance Fund established under section
697 22a-133t, any amount received by the commissioner pursuant to this
698 section shall be deposited into said fund.

699 (m) On and after October 1, 1995, the fee for filing a Form III or
700 Form IV shall be due in accordance with the following schedule: An
701 initial fee of three thousand dollars shall be submitted to the
702 commissioner with the filing of a Form III or Form IV. If a licensed
703 environmental professional verifies the remediation of the
704 establishment and the commissioner has not notified the certifying
705 party that the commissioner's written approval of the remediation is
706 required, no additional fee shall be due. If the commissioner notifies
707 the certifying party that the commissioner's written approval of the
708 remediation is required, the balance of the total fee shall be due prior
709 to the commissioner's issuance of the commissioner's final approval of
710 the remediation.

711 (n) On and after October 1, 1995, the total fee for filing a Form III
712 shall be as follows: (1) Thirty-four thousand [five hundred] seven
713 hundred fifty dollars if the total cost of remediation is equal to or
714 greater than one million dollars; (2) thirty thousand two hundred fifty
715 dollars if the total cost of remediation is equal to or greater than five
716 hundred thousand dollars but less than one million dollars; (3) twenty-
717 one thousand two hundred fifty dollars if the total cost of remediation
718 is equal to or greater than one hundred thousand dollars but less than
719 five hundred thousand dollars; (4) [six] seven thousand [seven
720 hundred fifty] dollars if the total cost of remediation is equal to or
721 greater than fifty thousand dollars but less than one hundred thousand
722 dollars; (5) four thousand [five hundred] seven hundred fifty dollars if

723 the total cost of remediation is equal to or greater than twenty-five
724 thousand dollars but less than fifty thousand dollars; and (6) three
725 thousand two hundred fifty dollars if the total cost of remediation is
726 less than twenty-five thousand dollars.

727 (o) On and after October 1, 1995, except as provided in subsection
728 (p) of this section, the total fee for filing a Form IV shall be as follows:
729 (1) Seventeen thousand [~~two hundred fifty~~] five hundred dollars if the
730 total cost of remediation is equal to or greater than one million dollars;
731 (2) fifteen thousand two hundred fifty dollars if the total cost of
732 remediation is equal to or greater than five hundred thousand dollars
733 but less than one million dollars; (3) ten thousand [~~five hundred~~] seven
734 hundred fifty dollars if the total cost of remediation is greater than or
735 equal to one hundred thousand dollars but less than five hundred
736 thousand dollars; (4) three thousand [~~three hundred seventy-five~~] six
737 hundred twenty-five dollars if the total cost of remediation is equal to
738 or greater than fifty thousand dollars but less than one hundred
739 thousand dollars; and (5) three thousand two hundred fifty dollars if
740 the total cost of remediation is less than fifty thousand dollars.

741 (p) Notwithstanding any other provision of this section, the fee for
742 filing a Form II or Form IV for an establishment for which the
743 commissioner has issued a written approval of a remediation under
744 subsection (c) of section 22a-133x within three years of the date of the
745 filing of the form shall be the total fee for a Form III specified in
746 subsection (n) of this section and shall be due upon the filing of the
747 Form II or Form IV.

748 (q) The requirements of this section shall not apply to a transfer of
749 property to a municipality under the provisions of section 12-157.

750 Sec. 16. Section 22a-150 of the general statutes is repealed and the
751 following is substituted in lieu thereof (*Effective July 1, 2009*):

752 The Commissioner of Environmental Protection shall, by regulation,
753 require registration of devices emitting x-rays used for diagnostic or

754 therapeutic purposes by or under the supervision of a person or
755 persons licensed to practice medicine, surgery, chiropractic,
756 natureopathy, dentistry, podiatry or veterinary medicine and surgery,
757 as authorized by law. The commissioner shall charge a registration fee
758 of one hundred [fifty] ninety dollars biennially for each such device,
759 except that hospitals operated by the state or a municipality shall be
760 exempt from payment of the fee.

761 Sec. 17. Section 22a-201c of the general statutes is repealed and the
762 following is substituted in lieu thereof (*Effective July 1, 2009*):

763 (a) On and after January 1, 2007, the Commissioner of Motor
764 Vehicles shall charge a fee of five dollars, in addition to any other fees
765 required for registration, for each new motor vehicle. Said fee may be
766 identified as the "greenhouse gas reduction fee" on any registration
767 form, or combined with the fee specified by subdivision (3) of
768 subsection (k) of section 14-164c. All receipts from the payment of such
769 fee shall be deposited into the [federal Clean Air Act account
770 established pursuant to section 14-49b] General Fund.

771 (b) [The Commissioner of Environmental Protection may draw
772 upon not] Not more than sixty per cent of the funds generated
773 pursuant to subsection (a) of this section shall be deposited into [said
774 account pursuant to subsection (a) of this section to implement the
775 requirements of section 22a-174, sections 22a-200a to 22a-200d,
776 inclusive, and sections 22a-201a and 22a-201b, and] the General Fund.
777 The Commissioner of Motor Vehicles may draw upon not more than
778 forty per cent of the funds [deposited into said account] generated
779 pursuant to subsection (a) of this section to implement the
780 requirements of sections 22a-201a and 22a-201b.

781 Sec. 18. Section 22a-233a of the general statutes is repealed and the
782 following is substituted in lieu thereof (*Effective July 1, 2009*):

783 Notwithstanding any other provision of the general statutes, any
784 cost of testing a resources recovery facility or any other activity eligible

785 for payment [from the solid waste account established by section 22a-
786 233] shall be paid from [said account] the General Fund and shall not
787 be paid by the owner of the facility, provided such owner shall pay
788 any cost associated with: (1) Continuous meteorological and emissions
789 monitoring of the facility required pursuant to section 22a-193
790 including the proportionate share, as determined by the Commissioner
791 of Environmental Protection, of the telemetry costs incurred by the
792 Department of Environmental Protection, (2) testing conducted as part
793 of a performance test required as a condition for the approval by the
794 commissioner of any initial permit to operate including, but not
795 limited to, stack testing of dioxin and furan emissions and residue
796 testing, but not including ambient air and ambient environmental
797 monitoring for dioxin, (3) testing conducted as part of a performance
798 test in conjunction with any modification of a facility which requires
799 the approval of the commissioner of a new or amended construction or
800 operating permit, and (4) special testing necessary to demonstrate
801 compliance with any permit issued for the facility if the commissioner
802 has reason to believe that the facility does not comply with such
803 permit.

804 Sec. 19. Section 22a-234a of the general statutes is repealed and the
805 following is substituted in lieu thereof (*Effective July 1, 2009*):

806 (a) Beginning on and after July 1, 1992, and ending on June 30, 1994,
807 there shall be paid to the Commissioner of Revenue Services by the
808 owner of any resources recovery facility or mixed municipal solid
809 waste landfill forty cents per ton of solid waste processed at the facility
810 or disposed of at the landfill. Beginning on June 30, 1994, to July 1,
811 1995, there shall be paid to the commissioner by such owner zero cents
812 per ton of such solid waste.

813 (b) Each owner of a facility or landfill subject to the assessment as
814 provided by this section shall submit a return quarterly to the
815 Commissioner of Revenue Services, applicable with respect to the
816 calendar quarter beginning July 1, 1992, and each calendar quarter

817 thereafter, ending on June 30, 1994, on or before the last day of the
818 month immediately following the end of each such calendar quarter,
819 on a form prescribed by the commissioner, together with payment of
820 the quarterly assessment determined and payable in accordance with
821 the provisions of subsection (a) of this section.

822 (c) Whenever such assessment is not paid when due, a penalty of
823 ten per cent of the amount due or fifty dollars, whichever is greater,
824 shall be added to the amount due and such penalty shall immediately
825 accrue, and thereafter such assessment shall bear interest at the rate of
826 one and one-half per cent per month until the same is paid. The
827 Commissioner of Revenue Services shall cause copies of a form
828 prescribed for submitting returns as required under this section to be
829 distributed throughout the state. Failure to receive such form shall not
830 be construed to relieve anyone subject to assessment under this section
831 from the obligations of submitting a return, together with payment of
832 such assessment within the time required.

833 (d) Any person or municipality delivering solid waste to a facility or
834 landfill whose owner is subject to the assessment imposed by
835 subsection (a) of this section shall reimburse the owner for any
836 assessment paid for the solid waste delivered by such person or
837 municipality. The assessment shall be a debt from the person or
838 municipality responsible for paying such assessment to the owner.

839 [(e) Any revenue collected under the provisions of this section shall
840 be deposited in the municipal solid waste recycling trust account
841 established under section 22a-241.]

842 [(f)] (e) The provisions of sections 12-548 to 12-554, inclusive, and
843 section 12-555a shall apply to the provisions of this section in the same
844 manner and with the same force and effect as if the language of
845 sections 12-548 to 12-554, inclusive, and section 12-555a had been
846 incorporated in full in this section, except to the extent that any such
847 provision is inconsistent with a provision in this section and except
848 that the term "tax" shall be read as "solid waste assessment".

849 Sec. 20. Section 22a-240a of the general statutes is repealed and the
850 following is substituted in lieu thereof (*Effective July 1, 2009*):

851 (a) The Commissioner of Environmental Protection, in consultation
852 with the Commissioner of Public Health, shall conduct a study of
853 dioxin levels in the area of any existing or proposed resources recovery
854 facilities and report the findings of any such study to the joint standing
855 committee of the General Assembly having cognizance of matters
856 relating to the environment and to the chief elected official of the town
857 in which such facility is located. Any study shall include (1)
858 measurement and evaluation of dioxin levels in the food chain,
859 including cow's milk, and in soil, (2) appropriate environmental
860 monitoring tests to determine dioxin levels both before and after the
861 resources recovery facility has begun operating and (3) appropriate
862 biological monitoring tests after operation. Any study may include
863 appropriate biological monitoring tests before operation. The costs of
864 such tests shall be paid from the [solid waste account in accordance
865 with the provisions of sections 22a-233 and 22a-233a] General Fund.
866 Any costs not paid [from said account] by the state shall be paid by the
867 owner of the resources recovery facility.

868 (b) The commissioner shall reimburse the owner of a resources
869 recovery facility for any costs incurred for preoperational ambient air
870 or ambient environmental monitoring tests required under subsection
871 (a) of this section. [Any reimbursement shall be from the solid waste
872 account established by section 22a-233.]

873 Sec. 21. Section 22a-241 of the general statutes is repealed and the
874 following is substituted in lieu thereof (*Effective July 1, 2009*):

875 (a) There shall be established a municipal solid waste recycling
876 program. The Commissioner of Environmental Protection, in
877 consultation and coordination with the advisory council established
878 under subsection (c) of this section, shall develop a plan for such
879 program. The plan shall (1) be consistent with the state-wide solid
880 waste management plan adopted pursuant to section 22a-228, (2) give

881 priority in all parts of the plan to regional approaches to the recycling
882 of solid waste, (3) provide for grants [from the municipal solid waste
883 recycling trust account established under subsection (d) of this section]
884 to municipalities, regional organizations representing municipalities or
885 agencies or political subdivisions of the state representing
886 municipalities for purposes which may include but shall not be limited
887 to (A) the acquisition or lease of land, easements, structures, machinery
888 and equipment, for solid waste recycling facilities, (B) the planning,
889 design, construction and improvement of solid waste recycling
890 facilities, (C) the purchase or lease of collection equipment and
891 materials for municipalities and homeowners to carry out municipal
892 recycling programs and (D) the support and expansion of municipal
893 solid waste recycling programs, (4) establish standards for
894 municipalities which shall effect the maximum level of recycling and
895 source separation, condition each grant to a municipality under
896 subdivision (3) of this subsection on the adoption of such standards by
897 the municipality and give priority in the making of such grants to
898 municipalities which, on July 17, 1986, require residents and
899 businesses to separate recyclables from solid waste, (5) provide for the
900 development of intermediate centers for the processing of solid waste
901 recyclables, giving priority to sites where waste-to-energy facilities are
902 located or planned to be located, (6) provide for financial assistance
903 from the municipal solid waste recycling trust account for the
904 development of such centers and (7) review existing contracts entered
905 into by municipalities for the delivery of solid waste to waste-to-
906 energy facilities and provide financial incentives to such municipalities
907 for the coordination of such contracts with the municipal solid waste
908 recycling program.

909 (b) The Commissioner of Environmental Protection, in consultation
910 with such advisory council, shall submit the plan developed under
911 subsection (a) of this section to the Governor and the General
912 Assembly not later than January 1, 1987, and, if the General Assembly
913 adopts a resolution approving such plan, the commissioner shall
914 implement the municipal solid waste recycling program not later than

915 April 1, 1987, in accordance with the provisions of such plan, and the
916 commissioner shall adopt regulations in accordance with the
917 provisions of chapter 54 to carry out the purposes of such program. In
918 implementing such program the commissioner shall utilize private
919 recycling markets to the extent feasible.

920 (c) There is established an advisory council to advise the
921 Commissioner of Environmental Protection on implementation of the
922 municipal solid waste recycling program. The advisory council may
923 study any issue related to recycling, including composting and
924 packaging. In any such study the advisory council may consult with
925 persons with specific information related to the study. If it deems it
926 appropriate, the advisory council shall recommend a list of materials
927 that should be banned in the state. The advisory council shall consist
928 of: The Secretary of the Office of Policy and Management, or his
929 designee; the Commissioner of Economic and Community
930 Development, or his designee; the Commissioner of Administrative
931 Services, or his designee; the Commissioner of Transportation, or his
932 designee; the chairman of the Connecticut Resources Recovery
933 Authority, or his designee; one person appointed by the Connecticut
934 Conference of Municipalities; one person appointed by the Council of
935 Small Towns; one person representing a municipality having a
936 population of not more than ten thousand to be appointed by the
937 minority leader of the Senate, one person representing a municipality
938 having a population of more than ten thousand but not more than fifty
939 thousand to be appointed by the minority leader of the House of
940 Representatives, one person representing a municipality having a
941 population of more than fifty thousand but not more than one
942 hundred thousand to be appointed by the president pro tempore of the
943 Senate, one person representing a municipality having a population of
944 more than one hundred thousand to be appointed by the speaker of
945 the House of Representatives; two members of the public, one of
946 whom shall be appointed by the majority leader of the House of
947 Representatives and one of whom shall be appointed by the majority
948 leader of the Senate; two persons representing recycling industries, one

949 of whom shall be appointed by the speaker of the House of
950 Representatives and one by the minority leader of the House of
951 Representatives; two persons representing the packaging industry, one
952 of whom shall be appointed by the speaker of the House of
953 Representatives and one of whom shall be appointed by the president
954 pro tempore of the Senate; a trash hauler to be appointed by the
955 speaker of the House of Representatives; one person representing an
956 industry using recycled material, to be appointed by the president pro
957 tempore of the Senate; one person representing an environmental
958 organization to be appointed by the speaker of the House of
959 Representatives; one person representing business and industry to be
960 appointed by the minority leader of the House of Representatives, and
961 a regional recycling coordinator to be appointed by the minority leader
962 of the Senate, the cochairmen and ranking members of the joint
963 standing committee of the General Assembly having cognizance of
964 matters relating to the environment and four members of the General
965 Assembly to be appointed as follows: One by the speaker of the House
966 of Representatives, one by the president pro tempore of the Senate, one
967 by the minority leader of the House of Representatives and one by the
968 majority leader of the House of Representatives. The members of the
969 task force shall elect a chairman, who shall be one of the members
970 appointed by the speaker of the House of Representatives or by the
971 president pro tempore of the Senate.

972 [(d) There is established an account to be known as the "municipal
973 solid waste recycling trust account". The municipal solid waste
974 recycling trust account shall be an account of the Environmental
975 Quality Fund. Notwithstanding any provision of the general statutes
976 to the contrary, any moneys required by law to be deposited in the
977 account shall be deposited in the Environmental Quality Fund and
978 credited to the municipal solid waste recycling trust account. Any
979 balance remaining in said account at the end of any fiscal year shall be
980 carried forward in said account for the fiscal year next succeeding.

981 (e) The Commissioner of Environmental Protection may accept and

982 receive on behalf of said account any available federal, state or private
983 funds. Any such funds shall be deposited in the Environmental
984 Quality Fund and credited to the municipal solid waste recycling
985 account.

986 (f) The proceeds of said account shall be applied to the municipal
987 solid waste recycling program established under subsection (a) of this
988 section, provided (1) not more than fifty thousand dollars shall be
989 allocated, for the fiscal year ending June 30, 1987, to the Commissioner
990 of Environmental Protection for the implementation of such program;
991 (2) not more than two hundred thousand dollars shall be allocated for
992 the expenses of the advisory council established under subsection (c)
993 of this section; (3) not more than eight hundred thousand dollars shall
994 be annually allocated to the Department of Environmental Protection
995 for costs incurred in the administration of such program; (4) not more
996 than four hundred thousand dollars shall be allocated to the
997 Commissioner of Environmental Protection as follows: One hundred
998 fifty thousand dollars shall be expended for marketing studies and
999 market development of recycled products, two hundred thousand
1000 dollars shall be expended for the study of reuse or recycling of ash
1001 from resources recovery facilities and fifty thousand dollars shall be
1002 expended for the study required pursuant to section 17 of public act
1003 88-231*; (5) not more than fifty thousand dollars shall be allocated to
1004 the Department of Economic and Community Development for the
1005 fiscal year ending June 30, 1989, for development of a plan required
1006 under section 32-1e; and (6) not more than one million dollars shall be
1007 allocated to the Department of Environmental Protection for public
1008 education on waste reduction and for recovered materials market
1009 development, including but not limited to, costs incurred for recycled
1010 product promotion, technical assistance to recycling industries,
1011 recovered materials export assistance and for administrative costs.
1012 Funds allocated to the commissioner under subdivision (6) may be
1013 expended for any contract entered into pursuant to said subdivision
1014 (6) with the Commissioner of Economic and Community Development
1015 for development of the recovered materials market. Any funds

1016 deposited in the account pursuant to section 22a-234a which exceed
1017 the eight hundred thousand dollars allocated to the department under
1018 subdivision (3) of this subsection shall be distributed to municipalities,
1019 regional organizations representing municipalities, or agencies or
1020 political subdivisions of the state representing municipalities for
1021 competitive grants for recycling related purposes. Notwithstanding the
1022 provisions of this subsection, one million three hundred thousand
1023 dollars shall be allocated to the Department of Environmental
1024 Protection from the account for purposes of making a grant to the
1025 Southeast Connecticut Regional Resources Recovery Authority.]

1026 Sec. 22. Section 22a-241h of the general statutes is repealed and the
1027 following is substituted in lieu thereof (*Effective July 1, 2009*):

1028 Notwithstanding the provisions of the recycling strategy of the
1029 state-wide solid waste management plan adopted pursuant to section
1030 22a-227, any single municipality, or any regional solid waste authority
1031 or regional solid waste operating committee comprised of at least five
1032 municipalities, may apply for and receive any funds made available by
1033 the Commissioner of Environmental Protection. [from the municipal
1034 solid waste recycling trust account established under section 22a-241.]
1035 In making a grant under [said] section 22a-241, as amended by this act,
1036 to any such regional solid waste authority or regional solid waste
1037 operating committee, the commissioner shall develop a plan for the
1038 use of the grant in consultation with such authority or operating
1039 committee.

1040 Sec. 23. Section 22a-256t of the general statutes is repealed and the
1041 following is substituted in lieu thereof (*Effective July 1, 2009*):

1042 Any revenue collected under the provisions of sections 22a-256o
1043 and 22a-256q shall be deposited in the [municipal solid waste recycling
1044 trust account established under section 22a-241] General Fund.

1045 Sec. 24. Section 22a-256cc of the general statutes is repealed and the
1046 following is substituted in lieu thereof (*Effective July 1, 2009*):

1047 Any revenue collected under the provisions of section 22a-256aa
1048 shall be deposited in the [municipal solid waste recycling trust account
1049 established under section 22a-241] General Fund.

1050 Sec. 25. Section 22a-342 of the general statutes is repealed and the
1051 following is substituted in lieu thereof (*Effective July 1, 2009*):

1052 The commissioner shall establish, along any tidal or inland
1053 waterway or flood-prone area considered for stream clearance, channel
1054 improvement or any form of flood control or flood alleviation
1055 measure, lines beyond which, in the direction of the waterway or
1056 flood-prone area, no obstruction, encroachment or hindrance shall be
1057 placed by any person, and no such obstruction, encroachment or
1058 hindrance shall be maintained by any person unless authorized by said
1059 commissioner. The commissioner shall issue or deny permits upon
1060 applications for establishing such encroachments based upon his
1061 findings of the effect of such proposed encroachments upon the flood-
1062 carrying and water storage capacity of the waterways and flood plains,
1063 flood heights, hazards to life and property, and the protection and
1064 preservation of the natural resources and ecosystems of the state,
1065 including but not limited to ground and surface water, animal, plant
1066 and aquatic life, nutrient exchange, and energy flow, with due
1067 consideration given to the results of similar encroachments constructed
1068 along the reach of waterway. Each application for a permit shall be
1069 accompanied by a fee as follows: (1) No change in grades and no
1070 construction of above-ground structures, [three hundred seventy-five]
1071 four hundred seventy dollars; (2) a change in grade and no
1072 construction of above-ground structures, [seven hundred fifty] nine
1073 hundred forty dollars; and (3) a change in grade and above-ground
1074 structures or buildings, [three thousand seven hundred fifty] four
1075 thousand dollars.

1076 Sec. 26. Subsection (a) of section 22a-361 of the general statutes is
1077 repealed and the following is substituted in lieu thereof (*Effective July*
1078 *1, 2009*):

1079 (a) No person, firm or corporation, public, municipal or private,
1080 shall dredge, erect any structure, place any fill, obstruction or
1081 encroachment or carry out any work incidental thereto or retain or
1082 maintain any structure, dredging or fill, in the tidal, coastal or
1083 navigable waters of the state waterward of the high tide line until such
1084 person, firm or corporation has submitted an application and has
1085 secured from said commissioner a certificate or permit for such work
1086 and has agreed to carry out any conditions necessary to the
1087 implementation of such certificate or permit. Each application for a
1088 permit, except for an emergency authorization, for any structure,
1089 filling or dredging which uses or occupies less than five thousand five
1090 hundred square feet in water surface area based on the perimeters of
1091 the project shall be accompanied by a fee equal to eighty cents per
1092 square foot provided such fee shall not be less than [five hundred
1093 twenty-five] six hundred sixty dollars. Each application for a permit
1094 for any structure, filling or dredging which uses or occupies five
1095 thousand five hundred square feet or more but less than five acres in
1096 water surface area based on the perimeters of the project shall be
1097 accompanied by a fee of three thousand [three hundred] five hundred
1098 fifty dollars plus ten cents per square foot for each square foot in
1099 excess of five thousand five hundred square feet. Each application for a
1100 permit for any structure, filling or dredging which uses or occupies
1101 five or more acres in water surface area based on the perimeters of the
1102 project shall be accompanied by a fee of nineteen thousand [two
1103 hundred twenty-three] four hundred seventy-five dollars plus five
1104 hundred twenty-five dollars per acre for each acre or part thereof in
1105 excess of five acres. Each application for a mooring area or multiple
1106 mooring facility, regardless of the area to be occupied by moorings,
1107 shall be accompanied by a fee of [five hundred twenty-five] six
1108 hundred sixty dollars provided that such mooring areas or facilities
1109 shall not include fixed or floating docks, slips or berths. Application
1110 fees for aquaculture activities shall not be based on areal extent. The
1111 commissioner may waive or reduce any fee payable to him for (1) a
1112 tidal wetlands or coastal resource restoration or enhancement activity,

1113 (2) experimental activities or demonstration projects, (3) nonprofit
1114 academic activities, or (4) public access activities in tidal, coastal or
1115 navigable waters, provided no fee shall be waived or reduced for
1116 activities required by statute, regulation, permit, order or enforcement
1117 action. As used in this section, "resource restoration or enhancement
1118 activity" means an action taken to return a wetland or coastal resource
1119 to a prior natural condition or to improve the natural functions or
1120 habitat value of such resource, but shall not include actions required
1121 pursuant to an enforcement action of the commissioner, and "public
1122 access activities" means activities whose principal purpose is to
1123 provide or increase access for the general public to tidal, coastal or
1124 navigable waters, including, but not limited to, boardwalks, boat
1125 ramps, observation areas and fishing piers.

1126 Sec. 27. Section 22a-363c of the general statutes is repealed and the
1127 following is substituted in lieu thereof (*Effective July 1, 2009*):

1128 Each application for a certificate of permission, pursuant to section
1129 22a-363b shall be accompanied by a fee of three hundred seventy-five
1130 dollars.

1131 Sec. 28. Subsection (e) of section 22a-372 of the general statutes is
1132 repealed and the following is substituted in lieu thereof (*Effective July*
1133 *1, 2009*):

1134 (e) Each application for a permit shall be accompanied by a fee as
1135 follows: (1) Withdrawal for consumptive use of more than fifty
1136 thousand gallons but less than five hundred thousand gallons in any
1137 twenty-four-hour period, [one thousand eight hundred] two thousand
1138 fifty dollars; (2) five hundred thousand gallons or more but less than
1139 two million gallons in any twenty-four-hour period, [three thousand
1140 seven hundred fifty] four thousand dollars; (3) two million gallons or
1141 more in any twenty-four-hour period, six thousand two hundred fifty
1142 dollars; (4) for nonconsumptive uses where the tributary watershed
1143 area above the point of diversion is one-half square mile or smaller,
1144 [one thousand eight hundred] two thousand fifty dollars; (5) for

1145 nonconsumptive uses where the tributary watershed area above the
1146 point of diversion is larger than one-half square mile but smaller than
1147 two square miles, [three thousand seven hundred fifty] four thousand
1148 dollars; and (6) for nonconsumptive uses where the tributary
1149 watershed area above the point of diversion is two square miles or
1150 larger, six thousand two hundred fifty dollars.

1151 Sec. 29. Section 22a-379 of the general statutes is repealed and the
1152 following is substituted in lieu thereof (*Effective July 1, 2009*):

1153 Each person or municipality holding a diversion permit authorizing
1154 a consumptive use of waters of the state shall pay an annual fee of
1155 [seven hundred fifty] nine hundred forty dollars to the commissioner.
1156 The commissioner may adopt regulations, in accordance with the
1157 provisions of chapter 54, to prescribe the amount of the fees required
1158 pursuant to this section. Upon the adoption of such regulations, the
1159 fees required by this section shall be as prescribed in such regulations.

1160 Sec. 30. Subsection (c) of section 22a-409 of the general statutes is
1161 repealed and the following is substituted in lieu thereof (*Effective July*
1162 *1, 2009*):

1163 (c) The commissioner shall periodically inspect dams registered
1164 pursuant to subsection (b) of this section. The fee for such inspection
1165 shall be [five hundred twenty-five] six hundred sixty dollars. Any dam
1166 which impounds less than three acre-feet of water or any dam which
1167 the commissioner finds has a potential for negligible damage in the
1168 event of a failure, after an initial inspection, shall be exempt from the
1169 provisions of this subsection except upon determination by the
1170 commissioner that such dam poses a unique hazard. The
1171 commissioner shall adopt regulations in accordance with the
1172 provisions of chapter 54 establishing (1) a schedule for the frequency of
1173 inspection of dams, (2) the inspection fees for regularly scheduled
1174 inspections, sufficient to cover the reasonable cost of such inspections,
1175 (3) procedures for registration and criteria for waiver of registration
1176 and inspection fees, and (4) criteria for determining whether a dam has

1177 a potential for negligible damage in the event of a failure.

1178 Sec. 31. Subsection (e) of section 22a-449 of the general statutes is
1179 repealed and the following is substituted in lieu thereof (*Effective July*
1180 *1, 2009*):

1181 [(e) The fee for the inspection of each nonresidential underground
1182 storage facility which, pursuant to regulations adopted pursuant to
1183 this section, submits notification to the commissioner shall be one
1184 hundred dollars per tank, provided such fee may not be charged more
1185 than once every five years.]

1186 (e) On and after October 1, 2009, the fee for the inspection of each
1187 nonresidential underground storage facility which, pursuant to this
1188 section, submits notification to the commissioner shall be one hundred
1189 dollars per tank. Such notification shall be submitted annually on a
1190 form prescribed by the commissioner on or before October first and
1191 shall be accompanied by such fee. Such fee shall not apply to any of
1192 the following: A farm or residential tank of one thousand one hundred
1193 gallons or less capacity used for storing motor fuel for noncommercial
1194 purposes; a tank used for storing heating oil for consumptive use on
1195 the premises where stored; a septic tank; a pipeline facility; a surface
1196 impoundment; a stormwater or wastewater collection system; a flow-
1197 through process tank; a liquid trap or associated gathering lines
1198 directly related to oil or gas production and gathering operations; a
1199 storage tank situated in an underground area, including, but not
1200 limited to, a basement, cellar, mineworking drift, shaft or tunnel, if the
1201 storage tank is situated above the surface on the floor.

1202 Sec. 32. Section 22a-449c of the general statutes is repealed and the
1203 following is substituted in lieu thereof (*Effective July 1, 2009*):

1204 (a) (1) There is established an [account to be known as the
1205 "underground storage tank petroleum clean-up account". The
1206 underground storage tank petroleum clean-up account shall be an
1207 account of the Environmental Quality Fund. Notwithstanding any

1208 provision of the general statutes to the contrary, any moneys collected
1209 shall be deposited in the Environmental Quality Fund and credited to
1210 the underground storage tank petroleum clean-up account. Any
1211 balance remaining in said account at the end of any fiscal year shall be
1212 carried forward in said account for the fiscal year next succeeding]
1213 underground storage tank petroleum clean-up program.

1214 (2) The [account shall be used by the Commissioner of
1215 Environmental Protection to] program shall provide money for
1216 reimbursement or payment pursuant to section 22a-449f, as amended
1217 by this act, within available appropriations, to responsible parties or
1218 parties supplying goods or services, for costs, expenses and other
1219 obligations paid or incurred, as the case may be, as a result of releases,
1220 and suspected releases, costs of investigation and remediation of
1221 releases and suspected releases, and for claims by a person other than
1222 a responsible party for bodily injury, property damage and damage to
1223 natural resources that have been finally adjudicated or settled with the
1224 prior written consent of the board. The commissioner may also make
1225 payment [from the account] to an assignee who is in the business of
1226 receiving assignments of amounts approved by the board, but not yet
1227 paid from the account, provided the party making any such
1228 assignment, using a form approved by the commissioner, directs the
1229 commissioner to pay such assignee, that no cost of any assignment
1230 shall be borne by the [account] state and that the state and its agencies
1231 shall not bear any liability with respect to any such assignment.

1232 (3) Notwithstanding the provisions of this section regarding
1233 reimbursements of parties pursuant to section 22a-449f, as amended by
1234 this act, and regulations adopted pursuant to section 22a-449e, as
1235 amended by this act, and regardless of when an application for
1236 payment or reimbursement from the [account] program may have
1237 been submitted to the board, payment or reimbursement shall be made
1238 in accordance with the following: (A) After June 1, 2004, no payment
1239 or reimbursement shall be made for any costs, expenses and other
1240 obligations paid or incurred for remediation, including any monitoring

1241 to determine the effectiveness of the remediation, of a release to levels
1242 more stringent than or beyond those specified in the remediation
1243 standards established pursuant to section 22a-133k, except to the
1244 extent the applicant demonstrates that it has been directed otherwise,
1245 in writing, by the commissioner; (B) after June 1, 2005, no payment or
1246 reimbursement [from the account] shall be made to any person for
1247 diminution in property value or interest, provided that reimbursement
1248 for interest accrued on attorneys' fees may be permitted if an
1249 application seeking interest accrued on attorneys' fees was submitted
1250 to the commissioner on or before March 31, 2003, and such application
1251 has been tabled by the board for three or more years; and (C) after June
1252 1, 2005, no payment or reimbursement [from the account] shall be
1253 made for attorneys' fees or other costs of legal representation paid or
1254 incurred as a result of a release or suspected release (i) in excess of five
1255 thousand dollars to any responsible party, (ii) in excess of ten
1256 thousand dollars to any person other than a responsible party, and (iii)
1257 by a responsible party regarding the defense of claims brought by
1258 another person, except that applications for reimbursement filed on or
1259 before June 30, 2005, shall not be subject to the limitations for
1260 reimbursement imposed by clauses (i) and (ii) of this subparagraph. In
1261 addition, notwithstanding the provisions of this section regarding
1262 reimbursements of parties pursuant to section 22a-449f, as amended by
1263 this act, the responsible party shall bear all costs of the release that are
1264 less than ten thousand dollars and all persons shall bear all costs of the
1265 release that are more than one million dollars, except that for any such
1266 release which was reported to the department prior to December 31,
1267 1987, and for which more than five hundred thousand dollars has been
1268 expended by the responsible party to remediate such release prior to
1269 June 19, 1991, the responsible party for the release shall bear all costs of
1270 such release which are less than ten thousand dollars or more than five
1271 million dollars, provided the portion of any reimbursement or
1272 payment in excess of three million dollars may, at the discretion of the
1273 commissioner, be made in annual payments for up to a five-year
1274 period. [There shall be allocated to the department annually, for

1275 administrative costs, two million dollars.]

1276 [(b) There is established a subaccount within the underground
1277 storage tank petroleum clean-up account to be known as the
1278 "residential underground heating oil storage tank system clean-up
1279 subaccount" to be used solely for the provision of reimbursements
1280 under sections 22a-449l and 22a-449n, for the remediation of
1281 contamination attributed to residential underground heating oil
1282 storage tank systems. The subaccount shall hold the proceeds of the
1283 bond funds allocated pursuant to section 51 of public act 00-167*.

1284 (c) There is established a subaccount within the underground
1285 storage tank petroleum clean-up account to be known as the "pay for
1286 performance subaccount" with which the commissioner may
1287 implement a program, in consultation with the board, in which
1288 reimbursement or repayment in accordance with this section is based
1289 upon the achievement of environmental milestones or results. The
1290 commissioner, with the approval of the board, may enter into contracts
1291 to implement any such program.]

1292 [(d)] (b) (1) If an initial application or request for payment or
1293 reimbursement is received by the board before July 1, 2005, no
1294 supplemental application or request for payment or reimbursement
1295 shall be submitted to the board on or after October 1, 2009, regarding
1296 costs, expenses or other obligations paid or incurred in response to the
1297 release or suspected release noted in any such initial application or
1298 request for payment or reimbursement. The provisions of this
1299 subdivision shall apply regardless of whether the cost, expense or
1300 other obligation was paid or incurred before October 1, 2009, and no
1301 reimbursement or payment from the account shall be ordered by the
1302 board or made by the commissioner regarding any such supplemental
1303 application or request for payment or reimbursement received by the
1304 board on or after the October 1, 2009, deadline established in this
1305 subdivision.

1306 (2) If an initial application or request for payment or reimbursement

1307 is received by the board on or after July 1, 2005, no supplemental
1308 application or request for payment or reimbursement shall be
1309 submitted to the board more than five years after the date that the
1310 initial application or request for payment or reimbursement was
1311 received by the board, regarding costs, expenses or other obligations
1312 paid or incurred in response to the release or suspected release noted
1313 in such initial application or request for payment or reimbursement.
1314 The provisions of this subdivision shall apply regardless of whether a
1315 cost, expense or other obligation was paid or incurred before the
1316 expiration of the five-year deadline established in this subdivision and
1317 no reimbursement or payment from the account shall be ordered by
1318 the board or made by the commissioner regarding any such
1319 supplemental application or request for payment or reimbursement
1320 received by the board after the five-year deadline established in this
1321 subdivision.

1322 (3) Notwithstanding the provisions of subsection (i) of section 22a-
1323 449f, as amended by this act, if an application or request for payment
1324 or reimbursement is not brought before the board for a decision not
1325 later than six months after having been received by the board, then six
1326 months shall be added to the deadline applicable pursuant to
1327 subdivision (1) or (2) of this subsection, provided no more than two
1328 years shall be added to the deadline established pursuant to
1329 subdivision (1) or (2) of this subsection regardless of whether one or
1330 more applications or requests for payment or reimbursement have
1331 been received by the board but have not been brought before the board
1332 for a decision not later than six months after receipt. In addition, if the
1333 commissioner determines that an application or request for payment
1334 or reimbursement is ready for decision by the board and such
1335 application or request has been placed on the agenda for the meeting
1336 of the board, but cannot be brought before the board because the board
1337 is unable to meet or cannot act on such application or request, the
1338 deadlines established pursuant to subdivision (1) or (2) of this
1339 subsection shall also be extended only for that period that the board is
1340 unable to meet or is unable to act on such application or request.

1341 (4) The provisions of this subsection shall not apply to annual
1342 groundwater remedial actions, including the preparation of a
1343 groundwater remedial action progress report, performed pursuant to
1344 subdivision (6) of section 22a-449p, as amended by this act.
1345 Notwithstanding the provisions of this subsection, the board may
1346 continue to receive applications or requests for payment or
1347 reimbursement and provided all other requirements have been met,
1348 may order payment or reimbursement from the account for such
1349 activities.

1350 [(e)] (c) (1) Any person who has insurance, or a contract or other
1351 agreement to provide payment or reimbursement for any costs,
1352 expense or other obligation paid or incurred in response to a release or
1353 suspected release may submit an application or request seeking
1354 payment or reimbursement from the account to the board, provided
1355 any such application or request for payment or reimbursement shall be
1356 subject to all applicable requirements, including, but not limited to,
1357 subdivision (7) of subsection (c) of section 22a-449f, as amended by this
1358 act.

1359 (2) Any person who at any time receives or expects to receive
1360 payment or reimbursement from any source other than the [account]
1361 program for any cost, expense, obligation, damage or injury for which
1362 such person has received or has applied for payment or
1363 reimbursement from the [account] program, shall notify the board, in
1364 writing, of such supplemental or expected payment and shall, not
1365 more than thirty days after receiving such supplemental payment,
1366 repay the [underground storage tank petroleum clean-up account]
1367 program all such amounts received from any other source.

1368 (3) If the board determines that a person is seeking or has sought
1369 payment or reimbursement for any cost, expense, obligation, damage
1370 or injury from the [account] program and that payment or
1371 reimbursement for any such cost, expense, obligation, damage or
1372 injury is actually or potentially available to any such person from any

1373 source other than the [account] program, the board may impose any
1374 conditions it deems reasonable regarding any amount it orders to be
1375 paid from the [account] program.

1376 Sec. 33. Section 22a-449d of the general statutes is repealed and the
1377 following is substituted in lieu thereof (*Effective July 1, 2009*):

1378 (a) There is established an Underground Storage Tank Petroleum
1379 Clean-Up [Account] Review Board. Upon application for
1380 reimbursement or payment pursuant to section 22a-449f, as amended
1381 by this act, the board shall determine, based on the provisions of
1382 sections 22a-449a to 22a-449i, inclusive, as amended by this act, and all
1383 regulations adopted pursuant to said sections 22a-449a to 22a-449i,
1384 inclusive, whether or not to order payment or reimbursement from the
1385 [account] program. The board shall have the authority to order
1386 payment [from the residential underground heating oil storage tank
1387 system clean-up subaccount] within available resources to registered
1388 contractors pursuant to section 22a-449l, as amended by this act, or to
1389 owners pursuant to section 22a-449n, as amended by this act, for
1390 reasonable costs associated with the remediation of a residential
1391 underground heating oil storage tank system based on the guidelines
1392 established pursuant to subsection (c) of this section; hold hearings,
1393 administer oaths, subpoena witnesses and documents through its
1394 chairperson when authorized by the board; designate an agent to
1395 perform such duties of the board as it deems necessary except the duty
1396 to render a final decision to order reimbursement or payment from the
1397 account; and provide by notice, printed on any form, that any false
1398 statement made thereof or pursuant thereto is punishable pursuant to
1399 section 53a-157b.

1400 (b) The board shall consist of the Commissioners of Environmental
1401 Protection and Revenue Services, the Secretary of the Office of Policy
1402 and Management and the State Fire Marshal, or their designees; one
1403 member representing the Connecticut Petroleum Council, appointed
1404 by the speaker of the House of Representatives; one member

1405 representing the Service Station Dealers Association, appointed by the
1406 majority leader of the Senate; one member of the public, appointed by
1407 the majority leader of the House of Representatives; one member
1408 representing the Independent Connecticut Petroleum Association,
1409 appointed by the president pro tempore of the Senate; one member
1410 representing the Gasoline and Automotive Service Dealers of America,
1411 Inc., appointed by the minority leader of the House of Representatives;
1412 one member representing a municipality with a population greater
1413 than one hundred thousand, appointed by the Governor; one member
1414 representing a municipality with a population of less than one
1415 hundred thousand, appointed by the minority leader of the Senate; one
1416 member representing a small manufacturing company which employs
1417 fewer than seventy-five persons, appointed by the speaker of the
1418 House of Representatives; one member experienced in the delivery,
1419 installation, and removal of residential underground petroleum
1420 storage tanks and remediation of contamination from such tanks,
1421 appointed by the president pro tempore of the Senate; and one
1422 member who is an environmental professional licensed under section
1423 22a-133v, as amended by this act, and is experienced in investigating
1424 and remediating contamination attributable to underground
1425 petroleum storage tanks, appointed by the Governor. The board shall
1426 annually elect one of its members to serve as chairperson.

1427 (c) Not later than July 1, 2000, the board shall establish guidelines
1428 for determining what costs are reasonable for payment under sections
1429 22a-449l, as amended by this act, and 22a-449n, as amended by this act,
1430 and shall establish requirements for financial assurance, training and
1431 performance standards for registered contractors, as defined in said
1432 sections 22a-449l and 22a-449n. The board shall make payment
1433 pursuant to section 22a-449n, as amended by this act, to the owner at a
1434 rate not to exceed one hundred fifty-seven dollars per ton of
1435 contaminated soil removed which shall be considered as full payment
1436 for all eligible costs for remediation. For any claim filed pursuant to
1437 section 22a-449n, as amended by this act, where no contaminated soil
1438 is removed the board shall reimburse eligible costs in accordance with

1439 the guidelines pursuant to this section.

1440 (d) To the extent that funds are available, [in the residential
1441 underground heating oil storage tank system clean-up subaccount,]
1442 the board may order payment [from such subaccount] to registered
1443 contractors for reimbursement of eligible costs for services associated
1444 with the remediation of a residential underground heating oil storage
1445 tank system prior to July 1, 2001, to owners of such systems for
1446 payment for eligible costs incurred after July 1, 2001. No such payment
1447 shall be authorized unless the board deems the costs reasonable based
1448 on the guidelines established pursuant to subsection (c) of this section.
1449 Notwithstanding the provisions of this subsection, if the board
1450 determines that the owner may not receive reimbursement payment
1451 from the contractor, the board may, if reimbursement has not been sent
1452 to the contractor, directly reimburse the owner of such system for
1453 eligible costs incurred by the owner and paid to the registered
1454 contractor for services associated with a remediation of a system prior
1455 to July 1, 2001.

1456 Sec. 34. Subsections (a) and (b) of section 22a-449e of the general
1457 statutes are repealed and the following is substituted in lieu thereof
1458 (*Effective July 1, 2009*):

1459 (a) The Commissioner of Environmental Protection, after
1460 consultation with the members of the board established by section 22a-
1461 449d, as amended by this act, shall adopt regulations in accordance
1462 with the provisions of chapter 54 setting forth procedures for
1463 reimbursement and payment from the [account] program established
1464 under section 22a-449c, as amended by this act. Such regulations shall
1465 include such provisions as the commissioner deems necessary to carry
1466 out the purposes of sections 22a-449a to 22a-449h, inclusive, as
1467 amended by this act, including, but not limited to, provisions for (1)
1468 notification of eligible parties of the existence of the account; (2)
1469 records required for submission of claims and reimbursement and
1470 payment; (3) periodic and partial reimbursement and payment to

1471 enable responsible parties to meet interim costs, expenses and
1472 obligations; and (4) reimbursement and payment for costs, expenses
1473 and obligations incurred in connection with releases or suspected
1474 releases discovered before or after July 5, 1989, provided
1475 reimbursement and payment shall not be made for costs, expenses and
1476 obligations incurred by a responsible party on or before said date.

1477 (b) (1) The commissioner, in accordance with the procedures set
1478 forth in subdivision (2) of this subsection, may prescribe a schedule for
1479 the maximum or range of amounts to be paid [from the account] for
1480 labor, equipment, materials, services or other costs, expenses or
1481 obligations paid or incurred as a result of a release or suspected
1482 release. Such schedule shall not be a regulation, as defined in section 4-
1483 166 and the adoption, modification, repeal or use of such schedule
1484 shall not be subject to the provisions of chapter 54 concerning a
1485 regulation. The amounts in any such schedule may be less than and
1486 shall be not more than the usual, customary and reasonable amounts
1487 charged, as determined by the commissioner. Notwithstanding the
1488 provisions of sections 22a-449a to 22a-449j, inclusive, as amended by
1489 this act, or any regulation adopted by the commissioner pursuant to
1490 this section, upon adoption of any such schedule, the amount to be
1491 paid [from the account] for any labor, equipment, materials, services or
1492 other costs, expenses or other obligations, shall not exceed the amount
1493 established in any such schedule and such schedule may serve as
1494 guidance with respect to any costs, expenses or other obligations paid
1495 or incurred before the adoption of such schedule.

1496 (2) The commissioner shall adopt, revise or revoke the schedule in
1497 accordance with the provisions of this subsection. After consultation
1498 with the board, the commissioner shall publish notice of intent to
1499 adopt, revise or revoke the schedule, or any portion thereof, in a
1500 newspaper having substantial circulation in the affected area. There
1501 shall be a comment period of thirty days following publication of such
1502 notice during which interested persons may submit written comments
1503 to the commissioner. The commissioner shall publish notice of the

1504 adoption, revision or revocation of the schedule, or part thereof, in a
1505 newspaper having substantial circulation in the affected area. The
1506 commissioner shall, upon request, review the schedule and shall make
1507 any revisions the commissioner deems necessary to such schedule
1508 once every two years or may do so more frequently as the
1509 commissioner deems necessary. The commissioner, after consultation
1510 with the board, may revise or revoke the schedule, in whole or in part,
1511 using the procedures specified in this subsection. Any person may
1512 request that the commissioner adopt, revise or revoke the schedule in
1513 accordance with this subsection.

1514 Sec. 35. Section 22a-449f of the general statutes is repealed and the
1515 following is substituted in lieu thereof (*Effective July 1, 2009*):

1516 (a) A responsible party may apply to the Underground Storage
1517 Tank Petroleum Clean-Up [Account] Review Board established under
1518 section 22a-449d, as amended by this act, for reimbursement for costs
1519 paid and payment of costs incurred as a result of a release, or a
1520 suspected release, including costs of investigating and remediating a
1521 release, or a suspected release, incurred or paid by such party who is
1522 determined not to have been liable for any such release. If a person
1523 other than a responsible party, claims to have suffered bodily injury,
1524 property damage or damage to natural resources from a release, the
1525 person with such claim shall make reasonable attempts to provide
1526 written notice to the responsible party of such claim and if such person
1527 cannot provide such notice or if the responsible party does not apply
1528 to the board for payment of such claim not later than sixty days after
1529 receipt of such notice or such other time as may be agreed to by the
1530 parties, the person holding such claim may apply to the board for
1531 payment for such damage or bodily injury.

1532 (b) (1) In addition to all other applicable requirements, a person
1533 seeking payment or reimbursement from the account shall
1534 demonstrate that when the total costs, expenses or other obligations in
1535 response to a release or suspected release (A) are two hundred fifty

1536 thousand dollars or less, all labor, equipment and materials provided
1537 after October 1, 2005, and all services and activities undertaken after
1538 October 1, 2005, are approved, in writing, either by the commissioner
1539 or by a licensed environmental professional with a currently valid and
1540 effective license issued pursuant to section 22a-133v, as amended by
1541 this act; and (B) exceed two hundred fifty thousand dollars, all labor,
1542 equipment and materials provided after October 1, 2005, and all
1543 services and activities undertaken after October 1, 2005, are approved,
1544 in writing, by the commissioner, provided the commissioner may
1545 authorize, in writing, a licensed environmental professional with a
1546 currently valid and effective license issued pursuant to section 22a-
1547 133v, as amended by this act, to approve, in writing, such labor,
1548 equipment, materials, services and activities, in lieu of the
1549 commissioner. The provisions of this subsection shall apply to all costs,
1550 expenses or other obligations for which a person is seeking payment or
1551 reimbursement from the account and the board shall not order and the
1552 commissioner shall not make payment or reimbursement from the
1553 account for any cost, expense or other obligation, unless the person
1554 seeking such payment or reimbursement provides the written
1555 approval required by this subdivision. Any written approval provided
1556 by a licensed environmental professional pursuant to this subdivision
1557 shall be submitted with the application for payment or reimbursement.
1558 Any written approval provided by the commissioner pursuant to this
1559 subdivision shall not constitute an approval pursuant to any other
1560 provision of the general statutes or any regulation and shall be
1561 presented to the board prior to the board making a decision regarding
1562 the application that such approval concerns.

1563 (2) The fees charged by a licensed environmental professional
1564 regarding labor or services rendered in response to a release or
1565 suspected release may be included in any application or request for
1566 payment or reimbursement submitted to the board. The amount to be
1567 paid or reimbursed [from the account] for such fees may also be
1568 established in the schedule adopted by the commissioner pursuant to
1569 subsection (b) of section 22a-449e, as amended by this act.

1570 (3) Providing it is true and accurate, a licensed environmental
1571 professional shall submit the following certification regarding any
1572 approval provided under subdivision (1) of this subsection and section
1573 22a-449p, as amended by this act: "I hereby agree that all of the labor,
1574 equipment, materials, services, and activities described in or covered
1575 by this certification were appropriate under the circumstances to abate
1576 an emergency or were performed as part of a plan specifically
1577 designed to ensure that the release or suspected release is or has been
1578 investigated in accordance with prevailing standards and guidelines
1579 and remediated consistent with and to achieve compliance with the
1580 remediation standards adopted under section 22a-133k of the general
1581 statutes."

1582 (c) The board shall order reimbursement or payment [from the
1583 account] for any cost paid or incurred, as the case may be, if, (1) such
1584 cost is or was incurred after July 5, 1989, (2) a responsible party was or
1585 would have been required to demonstrate financial responsibility
1586 under 40 CFR Part 280.90 et seq. as said regulation was published in
1587 the Federal Register of October 26, 1988, for the underground storage
1588 tank or underground storage tank system from which the release
1589 emanated, whether or not such party is required to comply with said
1590 requirements on the date any such cost is incurred, provided if the
1591 state is the responsible party, the board may order payment, [from the
1592 account] within available resources, without regard to whether the
1593 state was or would have been required to demonstrate financial
1594 responsibility under said sections 40 CFR Part 280.90 et seq., (3) after
1595 the release, if any, the responsible party incurred a cost, expense or
1596 obligation for investigation, cleanup or for claims of a person other
1597 than a responsible party resulting from the release, provided any such
1598 claim shall be required to be finally adjudicated or settled with the
1599 prior written approval of the board before an application for
1600 reimbursement or payment is made, (4) the board determines that the
1601 cost, expense or other obligation is reasonable and that there are not
1602 grounds for recovery specified in subdivision (1) or (3) of subsection
1603 (g) of this section, (5) the responsible party notified the board, as soon

1604 as practicable, of the release and of any other claim by a person other
1605 than a responsible party, resulting from the release, in accordance with
1606 the regulations adopted pursuant to section 22a-449e, as amended by
1607 this act, (6) the responsible party, or, if a person other than a
1608 responsible party applies for payment or reimbursement from the
1609 account, then such person demonstrates the remediation, including
1610 any monitoring to determine the effectiveness of the remediation, for
1611 which payment or reimbursement is sought is not more stringent than
1612 that required by the remediation standards established pursuant to
1613 section 22a-133k, except to the extent the responsible party or such
1614 person demonstrates that it has been directed otherwise, in writing, by
1615 the commissioner, (7) the responsible party, or, if a person other than a
1616 responsible party applies for payment or reimbursement, [from the
1617 account,] then such person demonstrates that it does not have
1618 insurance, or a contract or other agreement to provide payment or
1619 reimbursement for any cost, expense or other obligation incurred in
1620 response to a release or suspected release, or if there is any such
1621 insurance, contract or other agreement, that any insurance coverage
1622 has been denied or is insufficient to cover the costs, expenses or other
1623 obligations, paid or incurred or that any contract or other agreement is
1624 not able to or is insufficient to cover the costs, expenses or other
1625 obligations, paid or incurred, for which payment or reimbursement is
1626 sought, [from the account,] (8) the responsible party demonstrates and
1627 the board determines that one of the milestones noted in section 22a-
1628 449p, as amended by this act, has been completed, (9) the board
1629 determines what, if any, reductions to the amounts sought [from the
1630 account] should be made based upon the compliance evaluations
1631 performed pursuant to subsection (d) of this section, and (10) at the
1632 time any application or request for payment or reimbursement,
1633 including any supplemental application or request, is submitted to the
1634 board, (A) for applications filed with the underground storage tank
1635 petroleum clean-up [account] review board on or after October 1, 2007,
1636 there is no underground storage tank system subject to the financial
1637 responsibility demonstration required in subdivision (2) of this

1638 subsection dispensing petroleum on the property where the release or
1639 suspected release emanated or occurred, and if the application is
1640 submitted by the person who owns or operates or who owned or
1641 operated the underground storage tank system at the time of the
1642 release, such person demonstrates, in addition to all other applicable
1643 requirements, that lack of compliance with provisions of the general
1644 statutes and regulations governing underground storage tank systems
1645 was not a proximate cause of the release or suspected release and that
1646 there are not grounds for recovery specified in subdivision (2) of
1647 subsection (g) of this section, or (B) for applications filed with the
1648 [underground storage tank petroleum clean-up account] Underground
1649 Storage Tank Petroleum Clean-Up Review Board prior to October 1,
1650 2007, there is no underground storage tank system dispensing
1651 petroleum on the property where the release or suspected release
1652 emanated or occurred, and if the application is submitted by the
1653 person who owns or operates or who owned or operated the
1654 underground storage tank system at the time of the release, such
1655 person demonstrates, in addition to all other applicable requirements,
1656 that lack of compliance with provisions of the general statutes and
1657 regulations governing underground storage tank systems was not a
1658 proximate cause of the release or suspected release and that there are
1659 not grounds for recovery specified in subdivision (2) of subsection (g)
1660 of this section. Subdivision (10) of this subsection shall not apply to
1661 any application filed with the underground storage tank petroleum
1662 clean-up account concerning a release of an underground storage tank
1663 system that was reported to the Commissioner of Environmental
1664 Protection in September, 2003 where such system was owned or
1665 operated by a municipality or other political subdivision of the state at
1666 the time of the release and such system was removed on or before
1667 April 1, 2005. In acting on an application or a request for payment or
1668 reimbursement, the board, using funds from the account, may contract
1669 with experts, including, but not limited to, attorneys and medical
1670 professionals, to better evaluate and defend against claims and
1671 negotiate claims by persons other than responsible parties. The costs of

the board for experts shall not be charged to the amount allocated to the Department of Environmental Protection pursuant to section 22a-449c, as amended by this act. If a person other than a responsible party applies to the board claiming to have suffered bodily injury, property damage or damage to natural resources, the board shall order reimbursement or payment [from the account] if such person demonstrates that subdivisions (1), (2), (6) and (7) of this subsection are satisfied, the board determines that as a result of a release or suspected release such person has suffered bodily injury, property damage or damage to natural resources, that the costs, expenses or other obligations incurred are reasonable and the person submitting such claim demonstrates that it has attempted to or has provided written notice of its claim to the responsible party as required in subsection (a) of this section and that the responsible party has not applied to the board for payment or reimbursement of this claim. On or before June 30, 2005, if the board denied reimbursement or provided for only partial payment or reimbursement from the account regarding a release, pursuant to subdivision (4) of this subsection, such denial or partial payment or reimbursement shall remain in effect and shall apply to all subsequent applications or requests for payment or reimbursement regarding such release.

(d) (1) Except as provided in this subsection, if at the time any application or request for payment or reimbursement is submitted to the board, including any supplemental application or request, there is an underground storage tank system dispensing petroleum on the property where the release or suspected release emanated or occurred, such application or request shall not be deemed complete and shall not be acted upon by the board unless such application or request includes a summary of the compliance status of all the underground storage tank systems on the subject property. Any such summary shall include an evaluation of compliance with the design, construction, installation, notification, general operating, release detecting, system upgrading, abandonment and removal date requirements of the regulations adopted pursuant to sections 22a-449, as amended by this act, and 22a-

1706 449o, as amended by this act, and shall be prepared by an independent
1707 consultant on a form prescribed by or acceptable to the commissioner.
1708 The summary shall be based on an evaluation of said underground
1709 storage tank systems performed not more than one hundred eighty
1710 days before the board receives an application or a request for
1711 reimbursement or payment, except that with respect to any provision
1712 of the subject regulations regarding record keeping, periodic
1713 monitoring or testing, the summary shall be based on an evaluation of
1714 a one-year period terminating within one hundred eighty days prior to
1715 the board's receipt of an application or a request for payment or
1716 reimbursement. The summary shall also include a full description of
1717 all corrective measures that have been taken or that are being taken
1718 with regard to any noncompliance identified in the compliance
1719 evaluation performed pursuant to this subdivision.

1720 (2) With respect to any initial application or request for payment or
1721 reimbursement regarding a release or suspected release the provisions
1722 of subdivision (1) of this subsection shall apply only to applications or
1723 requests received on or after January 1, 2006. With respect to any
1724 supplemental application or request for payment or reimbursement
1725 regarding a release or suspected release, the provisions of subdivision
1726 (1) of this subsection shall apply to each application or request
1727 submitted to the board on or after January 1, 2006, regardless of when
1728 the initial application or request was submitted, except that submission
1729 of a compliance summary shall not be required if at the time a
1730 supplemental application or request is submitted, less than one year
1731 has passed since the performance of a compliance evaluation
1732 submitted with any prior application or request.

1733 (3) The cost of hiring an independent consultant to perform a
1734 compliance evaluation, as required by this subsection, shall be eligible
1735 for payment or reimbursement [from the account] up to a maximum of
1736 one thousand dollars per compliance evaluation, provided the
1737 evaluation is in conformance with the requirements of this subsection
1738 and includes all underground storage tank systems on the property

1739 where a release or suspected release emanated or occurred. If the
1740 schedule adopted by the commissioner pursuant to subsection (b) of
1741 section 22a-449e, as amended by this act, includes an amount for
1742 performing a compliance evaluation, upon adoption of any such
1743 schedule, the amount eligible for payment or reimbursement for
1744 performing a compliance evaluation shall be the amount prescribed in
1745 any such schedule.

1746 (4) Nothing in this subsection shall affect the continued applicability
1747 of any decision of the board to (A) deny reimbursement or payment,
1748 [from the account,] or (B) provide only partial payment or
1749 reimbursement regarding all applications or requests for payment or
1750 reimbursement, [from the account.] Any such decision shall remain in
1751 effect and shall not be subject to reconsideration or reevaluation as a
1752 result of this subsection.

1753 (5) Except as provided for in this subdivision, if at the time any
1754 application or request for payment or reimbursement, including any
1755 supplemental application or request, is submitted, there is no
1756 underground storage tank system dispensing petroleum on the
1757 property where the release or suspected release emanated or occurred,
1758 any such application or request shall be subject to the provisions of
1759 subdivision (10) of subsection (c) of this section, even where a prior
1760 application or request was subject to the provisions of this subsection.
1761 The provisions of this subdivision shall not apply to an application or
1762 request for payment or reimbursement for annual groundwater
1763 remedial actions, including the preparation of a groundwater remedial
1764 action progress report, performed pursuant to subdivision (6) of
1765 section 22a-449p, as amended by this act.

1766 (e) (1) If the compliance evaluation summary performed pursuant to
1767 subsection (d) of this section indicates that any of the violations noted
1768 in this subdivision exist with respect to any underground storage tank
1769 or underground storage tank system on the property at which a release
1770 or suspected release occurred and any such violations have not been

1771 fully corrected by the time an application or request for reimbursement
1772 is submitted to the board, the board shall reduce any payment or
1773 amount to be reimbursed as follows: (A) A one hundred per cent
1774 reduction of the payment or amount to be reimbursed for failure to
1775 meet the tank or piping construction requirements of section 22a-449o₂,
1776 as amended by this act, or the regulations adopted pursuant to section
1777 22a-449, as amended by this act, or for failure to report the release to
1778 the commissioner as required by this section, (B) a seventy-five per
1779 cent reduction of the payment or amount to be reimbursed for failure
1780 to have properly functioning cathodic protection, spill prevention,
1781 overfill prevention, or release detection as required by the regulations
1782 adopted pursuant to section 22a-449, as amended by this act.
1783 Notwithstanding the provisions of this subsection, the board may
1784 reduce any amount to be paid or reimbursed based on any other
1785 violation of the provisions of the general statutes or regulations of
1786 Connecticut state agencies regarding ownership or operation of an
1787 underground storage tank system.

1788 (2) Nothing in this subsection and no determination by the board of
1789 any issue of fact or law shall affect the authority of the commissioner
1790 under any other statute or regulations, including, but not limited to,
1791 taking any enforcement action based upon the violations identified in
1792 any compliance evaluation performed pursuant to subsection (d) of
1793 this section.

1794 (f) (1) For all work or services performed or materials provided
1795 before October 1, 2004, the board shall not order payment or
1796 reimbursement [from the account] for any cost paid or incurred, unless
1797 when seeking payment or reimbursement, the application or any
1798 submission regarding work, services or materials that have been pre-
1799 authorized by the board is received by the board on or before April 1,
1800 2005.

1801 (2) For purposes of this subsection, work or services shall be
1802 deemed rendered or performed on the date such work is rendered or

1803 performed and a material shall be deemed provided on the date a
1804 material is made available for use.

1805 (3) After June 30, 2005, the board shall not order payment or
1806 reimbursement [from the account] for any cost, expense or other
1807 obligation, paid or incurred, unless the application or request for
1808 payment or reimbursement is received by the board not later than one
1809 year after the completion of all or substantially all of the work or
1810 activities necessary to prepare the plan or report required by the
1811 milestones set forth in section 22a-449p, as amended by this act.

1812 (g) The Attorney General, upon the request of the board or the
1813 commissioner, may institute an action in the superior court for the
1814 judicial district of Hartford to recover the amounts specified in this
1815 section from any person who owns or operates an underground
1816 storage tank system at the time a release emanates or occurs from such
1817 system or any person who owns the real property on which a release
1818 emanates or occurs, provided such person owned the real property at
1819 or any time after the release emanates or occurs until the time that a
1820 final remediation action report is submitted by a licensed
1821 environmental professional or approved by the commissioner
1822 pursuant to subdivision (7) of section 22a-449p, as amended by this act,
1823 if: (1) Prior to the occurrence of the release, the underground storage
1824 tank or underground storage tank system from which the release
1825 emanated was required by regulations adopted under section 22a-449,
1826 as amended by this act, to be the subject of an Underground Storage
1827 Facility Notification Form, or EPHM-6 but the person who owns or
1828 operates or who owned or operated such tank or tank system
1829 knowingly and intentionally failed to submit such notification form to
1830 the commissioner; (2) the release results from a reckless, wilful,
1831 wanton or intentional act or omission of such person or a negligent act
1832 or omission of such person that constitutes noncompliance with the
1833 general statutes or regulations governing the installation, operation
1834 and maintenance of underground storage tanks; or (3) the release
1835 occurs from an underground storage tank or system which is not in

1836 compliance with a final order issued by the commissioner pursuant to
1837 this chapter or a final judgment issued by a court concerning
1838 noncompliance with a requirement of this chapter; or (4) payment has
1839 been made, [from the account,] including payment to the
1840 commissioner pursuant to subsection (i) of this section, to a person
1841 other than a person against whom an action may be brought pursuant
1842 to this subsection. All costs to the state relating to actions to recover
1843 such payments, including, but not limited to, reasonable attorneys'
1844 fees, shall initially be paid [from the underground storage tank
1845 petroleum clean-up account] within available resources. In any
1846 recovery the board or the commissioner is entitled to recover from
1847 such person (A) all payments made [from the account] with respect to
1848 a release or suspected release, (B) all payments made by the
1849 commissioner pursuant to subsection (i) of this section with respect to
1850 a release or suspected release, (C) interest on such payments at a rate
1851 of ten per cent per year from the date such payments were made, and
1852 (D) all costs of the state relating to actions to recover such payments,
1853 including, but not limited to, reasonable attorneys' fees. All actions
1854 brought pursuant to this section shall have precedence in the order of
1855 trial, as provided in section 52-191. If the Attorney General has filed an
1856 action against a person seeking recovery of the amounts specified in
1857 this subsection or if the commissioner sends a person a demand letter
1858 regarding costs incurred by the state pursuant to section 22a-451, as
1859 amended by this act, any such person against whom an action has
1860 been brought or who receives a demand letter shall not submit an
1861 application or request for payment or reimbursement to the board
1862 seeking payment or reimbursement of any such amount sought by the
1863 Attorney General or by the commissioner. If any such application or
1864 request for payment or reimbursement is submitted, the board shall
1865 not take any action regarding any such application or request.

1866 (h) The board shall render its decision not more than ninety days
1867 after receipt of an application from a person, provided, in the case of a
1868 second or subsequent application, the board shall render its decision
1869 not more than forty-five days after receipt of such application. A copy

1870 of the decision shall be sent to the commissioner and the person
1871 seeking payment or reimbursement by certified mail, return receipt
1872 requested. The commissioner or any person aggrieved by the decision
1873 of the board may, within twenty days from the date of issuance of such
1874 decision, request a hearing before the board in accordance with the
1875 provisions of chapter 54. After such hearing, the board shall consider
1876 the information submitted to it and affirm or modify its decision on the
1877 application. A copy of the affirmed or modified decision shall be sent
1878 to all parties to the hearing by certified mail, return receipt requested.
1879 Once the board renders a decision regarding an application or request
1880 for payment or reimbursement and no hearing has been requested
1881 pursuant to this subsection regarding any such decision, the costs,
1882 expenses or other obligations addressed by any such decision shall not
1883 be resubmitted in any other application or request.

1884 (i) Whenever the commissioner determines that as a result of a
1885 release, as defined in section 22a-449a, or a suspected release, a clean-
1886 up is necessary, including, but not limited to, actions to prevent or
1887 abate pollution or a potential source of pollution and to provide
1888 potable drinking water, the commissioner may undertake such actions
1889 using not more than one million dollars, [from the underground
1890 storage tank petroleum clean-up account,] within available resources,
1891 for each release or suspected release from an underground storage
1892 tank or an underground storage tank system for which the responsible
1893 party is the state or for which a responsible party was or would have
1894 been required to demonstrate financial responsibility under 40 CFR
1895 Part 280.90 et seq., as said regulation was published in the Federal
1896 Register of October 26, 1988.

1897 (j) (1) If through an initial application or request for payment or
1898 reimbursement received by the board before June 1, 2005, the board
1899 has determined that a person has paid or incurred costs, expenses or
1900 other obligations that are eligible for payment or reimbursement, [from
1901 the account,] with respect to any supplemental application or request
1902 for payment or reimbursement the following shall apply. The

1903 commissioner may identify a category of activities, costs, expenses, or
1904 other obligations that are less than one hundred thousand dollars for
1905 which, in lieu of full payment, the board may approve a percentage of
1906 the costs, expenses or other obligations paid or incurred. In making
1907 any such recommendation to the board, the commissioner shall
1908 consider the amounts previously paid from the account and any other
1909 information the commissioner deems relevant. Any such percentage
1910 shall be not more than, but may be less than, ninety per cent of the
1911 average amount, as determined by the commissioner, previously paid
1912 from the account for any activity, cost, expense or obligation. The
1913 board shall approve or disapprove, but shall not modify, payment of
1914 the percentage recommended by the commissioner pursuant to this
1915 subdivision. The commissioner may, using the procedures specified in
1916 this subdivision, recommend changes to any percentage previously
1917 approved by the board under this subdivision.

1918 (2) If the board approves payment of the percentage recommended
1919 by the commissioner, a person with a supplemental application or
1920 request for payment or reimbursement may agree to accept the
1921 percentage payment approved by the board. Any such acceptance
1922 shall be in writing, signed by the person seeking payment or
1923 reimbursement and shall acknowledge that the person is agreeing to
1924 accept less than the full amount sought by such person for the costs,
1925 expenses or other obligations covered by such acceptance. If the
1926 commissioner has prescribed forms, any such acceptance shall be
1927 made using the forms prescribed by the commissioner. Once a
1928 completed written acceptance is received, the board shall, not later
1929 than ninety days after receiving such acceptance, determine whether to
1930 order payment or reimbursement from the account. Any such
1931 determination by the board shall be limited to whether the costs,
1932 expenses or other obligations are within those for which the board has
1933 approved payment pursuant to subdivision (1) of this subsection.

1934 (3) Any amount ordered to be paid or reimbursed by the board shall
1935 be considered full payment for any such activity, expense or other

1936 obligation and a person shall not seek any additional reimbursement
1937 [from the account] for any such activity, expense or other obligation.
1938 The categories or activities for which the commissioner recommends
1939 payment of a percentage pursuant to this subsection may constitute all
1940 or a portion of the amounts sought in a supplemental application or
1941 supplemental request for payment or reimbursement.

1942 (k) Notification to the commissioner pursuant to regulations
1943 adopted pursuant to section 22a-449, as amended by this act, shall
1944 constitute compliance with any regulation adopted pursuant to section
1945 22a-449e, as amended by this act, regarding notification to the board of
1946 a release.

1947 Sec. 36. Section 22a-449k of the general statutes is repealed and the
1948 following is substituted in lieu thereof (*Effective July 1, 2009*):

1949 No person shall remove or replace or subcontract for the removal or
1950 replacement of a residential underground heating oil storage tank
1951 system if the person finds such removal or replacement will involve
1952 remediation of contaminated soil or groundwater, [the costs of which
1953 are to be paid out of the residential underground heating oil storage
1954 tank system clean-up subaccount established pursuant to subsection
1955 (b) of section 22a-449c,] unless the person is a registered contractor. To
1956 become a registered contractor, a person shall provide to the
1957 Commissioner of Environmental Protection, on forms prescribed by
1958 said commissioner, (1) evidence of financial assurance in the form of
1959 insurance, a surety bond or liquid company assets in an amount not
1960 less than two hundred fifty thousand dollars, and (2) a written
1961 statement certifying that such person has had any training required by
1962 law for such business and that such person has (A) performed no
1963 fewer than three residential underground petroleum storage tank
1964 system removals, or (B) has contracted for at least three removals of
1965 residential underground petroleum storage tank systems. Such person
1966 shall pay a registration fee of [seven hundred fifty] nine hundred forty
1967 dollars to the commissioner. Each contractor holding a valid

1968 registration on July first shall, not later than August first of that year,
1969 pay a renewal fee to the commissioner of [three hundred seventy-five]
1970 four hundred seventy dollars in order to maintain such registration.
1971 Any money collected for registration pursuant to this section shall be
1972 deposited in the [Environmental Quality] General Fund. The
1973 commissioner may revoke a registration for cause and, on and after the
1974 date the review board establishes requirements for financial assurance,
1975 training and performance standards under subsection (c) of section
1976 22a-449d, as amended by this act, may reject any application for
1977 registration that does not meet such requirements.

1978 Sec. 37. Section 22a-449l of the general statutes is repealed and the
1979 following is substituted in lieu thereof (*Effective July 1, 2009*):

1980 (a) As used in this section, "registered contractor" means a person
1981 registered with the Commissioner of Environmental Protection
1982 pursuant to section 22a-449k, as amended by this act.

1983 (b) Prior to July 1, 2001, if, in the course of removing or replacing a
1984 residential underground heating oil storage tank system, a registered
1985 contractor finds that there has been a spill, as defined in section 22a-
1986 452c, attributable to such system and such contractor estimates that the
1987 remediation of such spill is likely to cost more than five thousand
1988 dollars, such contractor shall immediately notify the Department of
1989 Environmental Protection regarding such spill. If, after the contractor's
1990 initial estimate, the contractor subsequently determines that such cost
1991 will exceed five thousand dollars, the contractor shall upon that
1992 determination notify the Department of Environmental Protection. The
1993 department may assess the spill and confirm that the remediation
1994 proposed by the contractor is appropriate and necessary, or may
1995 authorize an environmental professional licensed under section 22a-
1996 133v, as amended by this act, to assess the spill and make such
1997 confirmation. Any such remediation shall be subject to approval by the
1998 department, except that the department may authorize an
1999 environmental professional licensed under section 22a-133v, as

2000 amended by this act, to make a recommendation regarding such
2001 approval. If a registered contractor estimates that the remediation of
2002 such spill is likely to cost more than ten thousand dollars, the
2003 commissioner or any agent of the commissioner or an environmental
2004 professional licensed under said section 22a-133v contracted by the
2005 department shall inspect the site and confirm that such remediation is
2006 reasonable. The costs of such an inspection shall be eligible for
2007 payment [under the residential underground heating oil storage tank
2008 system clean-up subaccount established under subsection (b) of section
2009 22a-449c] within available resources.

2010 (c) (1) In order to receive reimbursement of eligible costs for services
2011 commenced after July 1, 1999, and prior to July 1, 2001, a registered
2012 contractor shall on or before December 1, 2001, submit to the
2013 Underground Storage Tank Petroleum Clean-Up [Account] Review
2014 Board established under section 22a-449d for a disbursement from [the
2015 residential underground heating oil storage tank system clean-up
2016 subaccount] available resources, all reasonable costs for work
2017 commenced prior to July 1, 2001, pursuant to a contract with the owner
2018 or the state for the remediation of a residential underground heating
2019 oil storage tank system for the purpose of providing payment for the
2020 costs of such remediation. An owner of a residential underground
2021 heating oil storage tank system shall not be responsible to the
2022 registered contractor or any subcontractor of the registered contractor
2023 for any costs that are eligible for payment from the residential
2024 underground heating oil storage tank system clean-up [subaccount]
2025 program over five hundred dollars. The registered contractor or any
2026 subcontractor shall not bill the owner for any costs eligible for
2027 payment from said [subaccount] program over five hundred dollars
2028 unless the contractor or subcontractor enters into a separate written
2029 contract with the owner, on a form prescribed by the commissioner,
2030 authorizing the contractor or subcontractor to bill the owner more than
2031 five hundred dollars and such separate contract gives the owner the
2032 right to cancel such contract up to three days after entering into it.
2033 Such owner shall provide to the review board a statement confirming

2034 the registered contractor has been engaged by such owner to remove
2035 or to replace such residential underground heating oil storage tank
2036 system and perform the remediation and shall execute an instrument
2037 which provides for payment to said account of any amounts realized
2038 by the owner, after any costs of litigation or attorney's fees have been
2039 paid, from a judgment or settlement regarding any claim for the costs
2040 of such remediation made against an insurance policy or any party. In
2041 any service contract entered into between a registered contractor and
2042 an owner for the remediation of a residential underground heating oil
2043 storage tank system, the registered contractor shall clearly identify all
2044 costs, including markup costs, that are not or may not be eligible for
2045 payment [from] under said [subaccount] program.

2046 (2) The registered contractor shall submit documentation,
2047 satisfactory to the review board, of any costs associated with such
2048 remediation. The review board may deny remediation costs of the
2049 registered contractor that the review board determines are
2050 unreasonable based on the guidelines established pursuant to
2051 subsection (c) of section 22a-449d, as amended by this act, on and after
2052 the date the review board establishes such guidelines, and may deny
2053 remediation costs (A) in excess of five thousand dollars if the
2054 Department of Environmental Protection was not notified in
2055 accordance with the provisions of subsection (b) of this section, and (B)
2056 in excess of ten thousand dollars if the site was not inspected in
2057 accordance with the provisions of subsection (b) of this section. The
2058 review board shall deny any such costs in excess of fifty thousand
2059 dollars unless the commissioner determines such additional costs are
2060 warranted to protect public health and the environment. If a registered
2061 contractor fails to submit to the review board documentation of costs
2062 associated with such remediation that may be eligible for payment
2063 from the residential underground heating oil storage tank system
2064 clean-up [subaccount] program or if the registered contractor submits
2065 documentation of such costs but the board denies payment of such
2066 costs, the registered contractor shall be liable for such costs and shall
2067 have no cause of action against the owner of the underground

2068 petroleum storage tank.

2069 (3) A copy of the review board's decision shall be sent to the
2070 Commissioner of Environmental Protection and to the registered
2071 contractor by certified mail, return receipt requested. The
2072 commissioner or any contractor aggrieved by a decision of the review
2073 board may, not more than twenty days after the date the decision was
2074 issued, request a hearing before the review board in accordance with
2075 chapter 54. After such hearing, the board shall consider the
2076 information submitted to it and affirm or modify its decision on the
2077 reimbursement. A copy of the affirmed or modified decision shall be
2078 sent to the commissioner and any contractor by certified mail, return
2079 receipt requested.

2080 (d) Neither the Underground Storage Tank Petroleum Clean-Up
2081 [Account] Review Board nor the Commissioner of Environmental
2082 Protection shall accept applications pursuant to this section on or after
2083 December 1, 2001, for the reimbursement of eligible costs for services
2084 completed prior to July 1, 2001, except that, notwithstanding
2085 subsection (c) of this section, prior to July 1, 2004, the board may accept
2086 applications for reimbursement from and make payments to any
2087 owner who demonstrates that the owner paid for eligible costs for
2088 services provided to the owner prior to July 1, 2001, and either (1) the
2089 registered contractor filed an application for reimbursement between
2090 December 1, 2001, and January 1, 2003, or (2) the owner, prior to May
2091 1, 2003, filed a complaint with the board or the commissioner
2092 regarding the failure of the registered contractor to file a timely
2093 application.

2094 Sec. 38. Subsection (a) of section 22a-449m of the general statutes is
2095 repealed and the following is substituted in lieu thereof (*Effective July*
2096 *1, 2009*):

2097 (a) Any remediation of contaminated soil or groundwater the cost of
2098 which is to be paid out of the [subaccount] program established under
2099 subsection [(b)] (a) of section 22a-449c, as amended by this act, shall be

2100 performed by or under the direct onsite supervision of a registered
2101 contractor, as defined in sections 22a-449l, as amended by this act, and
2102 22a-449n, as amended by this act, and shall be performed in
2103 accordance with regulations adopted by the commissioner pursuant to
2104 section 22a-133k that establish direct exposure criteria for soil,
2105 pollutant mobility criteria for soil and groundwater protection criteria
2106 for GA and GAA areas. If the replacement of any such residential
2107 underground heating oil storage tank system performed pursuant to
2108 the provisions of this section involves installation of an underground
2109 petroleum storage tank, such tank shall conform to any standards
2110 which apply to new underground petroleum storage tanks.

2111 Sec. 39. Section 22a-449n of the general statutes is repealed and the
2112 following is substituted in lieu thereof (*Effective July 1, 2009*):

2113 (a) As used in this section, "registered contractor" means a person
2114 registered with the Commissioner of Environmental Protection
2115 pursuant to section 22a-449k, as amended by this act, "qualifying
2116 income" means the owner's adjusted gross income, as defined in
2117 section 12-701, for the calendar year immediately preceding the year in
2118 which costs eligible for payment were incurred under this section and
2119 "costs eligible for payment" means costs that are reasonable for
2120 payment, as determined by the guidelines established pursuant to
2121 section 22a-449d, as amended by this act.

2122 (b) If, in the course of removing or replacing a residential
2123 underground heating oil storage tank system, a registered contractor
2124 finds that there has been a spill, as defined in section 22a-452c,
2125 attributable to such a system, or if such contractor estimates that the
2126 remediation of such spill is likely to cost more than ten thousand
2127 dollars then such contractor shall immediately notify the Department
2128 of Environmental Protection. The commissioner may assess the spill
2129 and confirm that the remediation proposed by the contractor is
2130 appropriate and necessary, or may authorize an environmental
2131 professional licensed under section 22a-133v, as amended by this act,

2132 to assess the spill and make such confirmation. Any such remediation
2133 shall be subject to approval by the commissioner. The commissioner
2134 may authorize an environmental professional licensed under section
2135 22a-133v, as amended by this act, to make a recommendation
2136 regarding such approval. The costs of an inspection pursuant to this
2137 section shall be eligible for payment under the residential
2138 underground heating oil storage tank system clean-up [subaccount]
2139 program established under subsection (b) of section 22a-449c, as
2140 amended by this act. The commissioner may revoke a registration
2141 pursuant to section 22a-449k, as amended by this act, for failure of a
2142 contractor to notify the department as required by this section.

2143 (c) On or after July 1, 2001, to be eligible for payment pursuant to
2144 this section, an owner shall submit the following information to the
2145 Commissioner of Environmental Protection, in such form as the
2146 commissioner may require, prior to entering into a contract with a
2147 registered contractor for remediation of a spill attributable to a
2148 residential underground heating oil storage tank system: (1) The name
2149 and Social Security number of the property owner; (2) a verification
2150 that such tank serves the owner's primary residence; (3) a verification
2151 of the owner's qualifying income; and (4) the name of the registered
2152 contractor who will perform the remediation. The commissioner shall,
2153 not later than thirty days following receipt of such information, send a
2154 written notice to the owner that specifies whether the owner is eligible
2155 for payment under this section, whether funds are available for the
2156 owner under this section and the amount of remediation costs for
2157 which the owner is responsible prior to receiving payment under this
2158 section.

2159 (d) Subject to the provisions of subsection (e) of this section, an
2160 owner may be reimbursed for all reasonable costs for work
2161 commenced on or after July 1, 2001, in accordance with the following:
2162 (1) If an owner's qualifying income is less than or equal to fifty
2163 thousand dollars, the owner may be reimbursed for costs eligible for
2164 payment in excess of five hundred dollars; (2) if an owner's qualifying

2165 income is greater than fifty thousand dollars and less than or equal to
2166 one hundred thousand dollars, the owner may be reimbursed for costs
2167 eligible for payment in excess of two thousand dollars; (3) if an owner's
2168 qualifying income is greater than one hundred thousand dollars and
2169 less than or equal to one hundred fifty thousand dollars, the owner
2170 may be reimbursed for costs eligible for payment in excess of four
2171 thousand dollars; (4) if an owner's qualifying income is greater than
2172 one hundred fifty thousand dollars and less than or equal to two
2173 hundred thousand dollars, the owner may be reimbursed for costs
2174 eligible for payment in excess of five thousand dollars; (5) if an owner's
2175 qualifying income is greater than two hundred thousand dollars and
2176 less than or equal to two hundred fifty thousand dollars, the owner
2177 may be reimbursed for costs eligible for payment in excess of seven
2178 thousand five hundred dollars; (6) if an owner's qualifying income is
2179 greater than two hundred fifty thousand dollars and less than or equal
2180 to five hundred thousand dollars, the owner may be reimbursed for
2181 costs eligible for payment in excess of ten thousand dollars; (7) if an
2182 owner's qualifying income is greater than five hundred thousand
2183 dollars, the owner is not eligible for payment of costs. No registered
2184 contractor or any subcontractor of a registered contractor shall accept
2185 payment for any costs eligible for payment from said [subaccount]
2186 program until it has provided the owner with the information
2187 necessary to apply for a disbursement pursuant to subsection (e) of
2188 this section.

2189 (e) (1) On or after July 1, 2001, an owner shall submit to the
2190 Underground Storage Tank Petroleum Clean-Up [Account] Review
2191 Board established under section 22a-449d, as amended by this act, an
2192 application that is postmarked no later than December 31, 2001, for a
2193 disbursement from the residential underground heating oil storage
2194 tank system clean-up [subaccount] program, within available
2195 resources, documentation of all costs eligible for payment for work
2196 performed pursuant to a contract with the owner for the remediation
2197 of a residential underground heating oil storage tank system for the
2198 purpose of providing payment for the costs of such remediation,

2199 provided such owner has complied with the provisions of subdivisions
2200 (1) and (2) of subsection (a) of section 22a-449j and provided such
2201 remediation was completed on or before December 1, 2001. Such
2202 payments shall be made in accordance with subsection (d) of this
2203 section. Such owner shall provide to the review board a statement
2204 confirming that the registered contractor has been engaged by such
2205 owner to remove or to replace such residential underground heating
2206 oil storage tank system, except that a storage tank system and any
2207 associated ancillary equipment shall not be subject to such requirement
2208 and perform the remediation and shall execute an instrument which
2209 provides for payment to said account of any amounts realized by the
2210 owner, after any costs of litigation or attorney's fees have been paid,
2211 from a judgment or settlement regarding any claim for the costs of
2212 such remediation made against an insurance policy or any person.

2213 (2) In any service contract entered into between a registered
2214 contractor and an owner for the remediation of a residential
2215 underground heating oil storage tank system, the registered contractor
2216 shall clearly identify all costs, including markup costs, that are not or
2217 may not be eligible for payment from said [subaccount] program.

2218 (3) The owner shall submit documentation, satisfactory to the
2219 review board, of any costs associated with such remediation. The
2220 review board may deny payment of remediation costs that the review
2221 board determines are unreasonable based on the guidelines
2222 established pursuant to subsection (c) of section 22a-449d, as amended
2223 by this act, on and after the date the review board establishes such
2224 guidelines. The review board shall deny any such costs if the owner
2225 fails to comply with subsection (c) of this section and any such costs in
2226 excess of fifty thousand dollars unless the commissioner determines
2227 such additional costs are warranted to protect public health and the
2228 environment.

2229 (4) A copy of the review board's decision shall be sent to the
2230 Commissioner of Environmental Protection and to the owner by

2231 certified mail, return receipt requested. The commissioner or owner
2232 aggrieved by a decision of the review board may, not more than
2233 twenty days after the date the decision was issued, request a hearing
2234 before the review board in accordance with chapter 54. After such
2235 hearing, the board shall consider the information submitted to it and
2236 affirm or modify its decision. A copy of the affirmed or modified
2237 decision shall be sent to the commissioner and owner by certified mail,
2238 return receipt requested.

2239 (5) No owner shall be entitled to reimbursement both under this
2240 section and section 22a-449l, as amended by this act.

2241 Sec. 40. Section 22a-449p of the general statutes is repealed and the
2242 following is substituted in lieu thereof (*Effective July 1, 2009*):

2243 Notwithstanding any provision of sections 22a-449a to 22a-449i,
2244 inclusive, as amended by this act, or any regulation adopted pursuant
2245 to said sections, except as provided for in subdivision (6) of this
2246 section, with respect to the investigation and remediation of a release,
2247 the underground storage tank petroleum clean-up [account] program
2248 established pursuant to section 22a-449c, as amended by this act, shall
2249 be used to provide payment or reimbursement only when any of the
2250 following milestones are completed:

2251 (1) A release response report prepared by an environmental
2252 professional, as defined in section 22a-133v, as amended by this act,
2253 has been submitted to the Commissioner of Environmental Protection
2254 which report describes: (A) All initial response actions taken that are
2255 necessary to prevent an on-going release and to mitigate an explosion,
2256 fire or other safety hazard resulting from the release; (B) the results of
2257 an initial site investigation that determines the presence and extent of
2258 free product from the release, the potential for or existence of
2259 groundwater pollution from the release which threatens the quality of
2260 drinking water well or wells, and whether the release has resulted in
2261 soil vapors or indoor air that threatens public health; and (C) all
2262 interim actions taken and proposed to remove such free product to the

2263 extent technically practicable, to provide potable water to any person
2264 whose drinking water has been polluted by a substance from the
2265 release which is above the groundwater protection criteria or above a
2266 level determined by the Commissioner of Public Health to be an
2267 unacceptable risk of injury to the health or safety of persons using such
2268 groundwater as a public or private source of water for drinking or
2269 other personal or domestic uses, whichever is more stringent, and to
2270 mitigate any risk to public health from polluted soil vapor or indoor
2271 air resulting from the release.

2272 (2) An interim remedial action report approved, in writing, by a
2273 licensed environmental professional has been submitted to the
2274 Commissioner of Environmental Protection or an interim remedial
2275 action report has been approved, in writing, by the commissioner.
2276 Such interim remedial action report shall describe in detail all interim
2277 remedial action taken to: (A) Remove free product to the maximum
2278 extent technically practicable; (B) ensure that all persons whose
2279 drinking water was polluted by the release have been provided
2280 potable water; and (C) ensure that soil vapors which pose a risk to
2281 public health are prevented from migrating into any overlying
2282 buildings.

2283 (3) An investigation report and remedial action plan approved, in
2284 writing, by a licensed environmental professional has been submitted
2285 to the Commissioner of Environmental Protection, or an investigation
2286 report and remedial action plan has been approved, in writing, by the
2287 commissioner. Such investigation report and remedial action plan shall
2288 include a detailed description of an investigation which determines the
2289 existing and potential extent and degree of soil, surface water, soil
2290 vapor and groundwater pollution, on and off-site, resulting from the
2291 release and describes all actions proposed to remediate soil, surface
2292 water, air or groundwater polluted by the release in accordance with
2293 the regulations adopted pursuant to section 22a-133k.

2294 (4) A soil remedial action report approved, in writing, by a licensed

2295 environmental professional has been submitted to the Commissioner
2296 of Environmental Protection, or a soil remedial action report has been
2297 approved, in writing, by the commissioner. Such soil remedial action
2298 report shall describe in detail the extent of soil pollution resulting from
2299 the release, all remedial actions taken to abate such soil pollution, and
2300 all documentation that demonstrates that such soil pollution has been
2301 remediated in accordance with the regulations adopted pursuant to
2302 section 22a-133k.

2303 (5) A groundwater remedial action progress report approved, in
2304 writing, by a licensed environmental professional has been submitted
2305 to the Commissioner of Environmental Protection or a groundwater
2306 remedial action progress report has been approved, in writing, by the
2307 commissioner. Such report may only be submitted after all
2308 construction necessary to implement the approved groundwater
2309 remedial actions has been completed and the groundwater remedial
2310 actions have been operated and monitored for one year. Such report
2311 shall include a detailed description of the remedial actions, the results
2312 of groundwater or any other monitoring conducted, an analysis of
2313 whether the remedial actions are effective, and a proposal for any
2314 changes in the groundwater remedial actions and monitoring that may
2315 be necessary to achieve compliance with the regulations adopted
2316 pursuant to section 22a-133k.

2317 (6) An annual groundwater remedial action progress report
2318 approved, in writing, by a licensed environmental professional has
2319 been submitted to the Commissioner of Environmental Protection or
2320 approved, in writing, by the commissioner. Such report shall include a
2321 detailed description of the remedial actions, the results of groundwater
2322 or any other monitoring conducted for the year covered by the report,
2323 an analysis of whether the remedial actions are effective, and a
2324 proposal for any changes in the groundwater remedial actions and
2325 monitoring that may be necessary to achieve compliance with the
2326 regulations adopted pursuant to section 22a-133k. A responsible party
2327 pursuant to section 22a-449f, as amended by this act, may submit to

2328 the board up to, but not more than, four separate applications or
2329 requests for payment or reimbursement in a calendar year regarding
2330 costs, expenses or obligations paid or incurred concerning annual
2331 groundwater monitoring or compliance with this subdivision.

2332 (7) A final remedial action report approved by a licensed
2333 environmental professional has been submitted to the Commissioner
2334 of Environmental Protection, or a final remedial action report has been
2335 approved, in writing, by the commissioner, that documents that the
2336 release has been investigated in accordance with prevailing standards
2337 and guidelines and that the soil, surface water, groundwater and air
2338 polluted by the release has been remediated in accordance with the
2339 regulations adopted pursuant to section 22a-133k.

2340 (8) The Commissioner of Environmental Protection may adopt
2341 regulations, in accordance with the provisions of chapter 54,
2342 establishing milestones for investigation and remediation of releases or
2343 suspected releases from underground storage tank systems, including
2344 milestones that differ from those set forth in this section. Upon the
2345 adoption of such regulations, the milestones for investigation and
2346 remediation for which payment or reimbursement is available from
2347 the [account] program shall be those set forth in the regulations.

2348 (9) This section shall apply to an application or request for
2349 reimbursement or payment received by the board on or after October
2350 1, 2005, regardless of when the release or suspected release occurred,
2351 whether actions in response to the release or suspected release have
2352 already occurred or whether prior applications or requests seeking
2353 payment or reimbursement have already been submitted to the board.

2354 Sec. 41. Section 22a-451 of the general statutes is repealed and the
2355 following is substituted in lieu thereof (*Effective July 1, 2009*):

2356 (a) Any person, firm or corporation which directly or indirectly
2357 causes pollution and contamination of any land or waters of the state
2358 or directly or indirectly causes an emergency through the maintenance,

2359 discharge, spillage, uncontrolled loss, seepage or filtration of oil or
2360 petroleum or chemical liquids or solid, liquid or gaseous products or
2361 hazardous wastes or which owns any hazardous wastes deemed by
2362 the commissioner to be a potential threat to human health or the
2363 environment and removed by the commissioner shall be liable for all
2364 costs and expenses incurred in investigating, containing, removing,
2365 monitoring or mitigating such pollution and contamination,
2366 emergency or hazardous waste, and legal expenses and court costs
2367 incurred in such recovery, provided, if such pollution or
2368 contamination or emergency was negligently caused, such person, firm
2369 or corporation may, at the discretion of the court, be liable for damages
2370 equal to one and one-half times the cost and expenses incurred and
2371 provided further if such pollution or contamination or emergency was
2372 wilfully caused, such person, firm or corporation may, at the discretion
2373 of the court, be liable for damages equal to two times the cost and
2374 expenses incurred. The costs and expenses of investigating, containing,
2375 removing, monitoring or mitigating such pollution, contamination,
2376 emergency or hazardous waste shall include, but not be limited to, the
2377 administrative cost of such action calculated at ten per cent of the
2378 actual cost plus the interest on the actual cost at a rate of ten per cent
2379 per year thirty days from the date such costs and expenses were
2380 sought from the party responsible for such pollution, contamination or
2381 emergency. The costs of recovering any legal expenses and court costs
2382 shall be calculated at five per cent of the actual costs, plus interest at a
2383 rate of ten per cent per year thirty days from the date such costs were
2384 sought from the party responsible for such pollution, contamination or
2385 emergency. Upon request of the commissioner, the Attorney General
2386 shall bring a civil action to recover all such costs and expenses.

2387 (b) If the person, firm or corporation which causes any discharge,
2388 spillage, uncontrolled loss, seepage or filtration does not act
2389 immediately to contain and remove or mitigate the effects of such
2390 discharge, spillage, loss, seepage or filtration to the satisfaction of the
2391 commissioner, or if such person, firm or corporation is unknown, and
2392 such discharge, spillage, loss, seepage or filtration is not being

2393 contained, removed or mitigated by the federal government, a state
2394 agency, a municipality or a regional or interstate authority, the
2395 commissioner may contract with any person issued a permit pursuant
2396 to section 22a-454, as amended by this act, to contain and remove or
2397 mitigate the effects of such discharge, spillage, loss, seepage or
2398 filtration. The commissioner may contract with any person issued a
2399 permit pursuant to said section 22a-454 to remove any hazardous
2400 waste that the commissioner deems to be a potential threat to human
2401 health or the environment.

2402 (c) Whenever the commissioner incurs contractual obligations
2403 pursuant to subsection (b) of this section and the responsible person,
2404 firm or corporation or the federal government does not assume such
2405 contractual obligations, the commissioner shall request the Attorney
2406 General to bring a civil action pursuant to subsection (a) of this section
2407 to recover the costs and expenses of such contractual obligations. If the
2408 responsible person, firm or corporation is unknown, the commissioner
2409 shall request the federal government to assume such contractual
2410 obligations to the extent provided for by the federal Water Pollution
2411 Control Act.

2412 [(d) There is established an account to be known as the emergency
2413 spill response account, for the purpose of providing money for (1)
2414 costs associated with the implementation of section 22a-449 and
2415 chapter 441; (2) the containment and removal or mitigation of the
2416 discharge, spillage, uncontrolled loss, seepage or filtration of oil or
2417 petroleum or chemical liquids or solid, liquid or gaseous products or
2418 hazardous wastes including the state share of payments of the costs of
2419 remedial action pursuant to the federal Comprehensive Environmental
2420 Response, Compensation, and Liability Act of 1980 (42 USC 9601 et
2421 seq.), as amended; (3) provision of potable drinking water pursuant to
2422 section 22a-471; (4) completion of the inventory required by section
2423 22a-8a; (5) the removal of hazardous wastes that the commissioner
2424 deems to be a potential threat to human health or the environment; (6)
2425 (A) the provision of short-term potable drinking water pursuant to

subdivision (1) of subsection (a) of section 22a-471 and the preparation of an engineering report pursuant to subdivision (2) of subsection (a) of said section when pollution of the groundwaters by pesticides has occurred or can reasonably be expected to occur; (B) the study required by special act 86-44* and (C) as funds allow, education of the public on the proper use and disposal of pesticides and the prevention of pesticide contamination in drinking water supplies; (7) loans and lines of credit made in accordance with the provisions of section 32-23z; (8) the accomplishment of the purposes of sections 22a-133b to 22a-133g, inclusive, and sections 22a-134 to 22a-134d, inclusive, including staffing, and section 22a-133k; (9) development and implementation by the commissioner of a state-wide aquifer protection program pursuant to the provisions of sections 19a-37, 22-6c, 22a-354c, 22a-354e, 22a-354g to 22a-354bb, inclusive, 25-32d, 25-33h, 25-33n and subsection (a) of section 25-84, including, but not limited to, development of state regulations for land uses in aquifer protection areas, technical assistance and educational programs; (10) research on toxic substance contamination, including research by the Environmental Research Institute and the Institute of Water Resources at The University of Connecticut and by the Connecticut Agricultural Experiment Station; (11) the costs of the commissioner in performing or approving level A mapping of aquifer protection areas pursuant to this title; and (12) inventory and evaluation of the farm resource management requirements of farms in aquifer areas by the eight county soil and water conservation districts. The emergency spill response account shall be an account of the Environmental Quality Fund. On July 1, 2001, any balance remaining in said account shall be transferred to the resources of the Environmental Quality Fund. No expenditures shall be made from the amount transferred until on or after July 1, 2001.

(e) The Commissioner of Environmental Protection shall, annually, in accordance with section 4-77, submit to the Secretary of the Office of Policy and Management an operating budget for the emergency spill response account that provides for the operation of programs funded from such account. Such annual operating budget shall include an

2460 estimate of revenues from all other sources to meet the estimated
2461 expenditures of the account for such fiscal year. Within thirty days
2462 prior to the first day of such fiscal year the Secretary of the Office of
2463 Policy and Management shall approve said operating budget, with
2464 such changes, amendments, additions and deletions as shall be agreed
2465 upon prior to that date by the Commissioner of Environmental
2466 Protection and the Secretary of the Office of Policy and Management.]

2467 Sec. 42. Section 22a-454 of the general statutes is repealed and the
2468 following is substituted in lieu thereof (*Effective July 1, 2009*):

2469 (a) No person shall engage in the business of collecting, storing or
2470 treating waste oil or petroleum or chemical liquids or hazardous
2471 wastes or of acting as a contractor to contain or remove or otherwise
2472 mitigate the effects of discharge, spillage, uncontrolled loss, seepage or
2473 filtration of such substance or material or waste nor shall any person,
2474 municipality or regional authority dispose of waste oil or petroleum or
2475 chemical liquids or waste solid, liquid or gaseous products or
2476 hazardous wastes without a permit from the commissioner. Such
2477 permit shall be in writing, shall contain such terms and conditions as
2478 the commissioner deems necessary and shall be valid for a fixed term
2479 not to exceed five years. No permit shall be granted, renewed or
2480 transferred unless the commissioner is satisfied that the activities of
2481 the permittee will not result in pollution, contamination, emergency or
2482 a violation of any regulation adopted under sections 22a-30, 22a-39,
2483 22a-116, 22a-347, 22a-377, 22a-430, 22a-449, as amended by this act,
2484 22a-451, as amended by this act, and 22a-462. The commissioner shall
2485 require payment of a fee of [five hundred] six hundred twenty-five
2486 dollars per year for each year covered by a permit to transport
2487 hazardous waste and the payment of a fee of fourteen thousand two
2488 hundred fifty dollars for a permit to treat waste oil or petroleum or
2489 chemical liquids. The commissioner may adopt regulations, in
2490 accordance with the provisions of chapter 54, to prescribe the amount
2491 of the fees required pursuant to this section. Upon the adoption of such
2492 regulations, the fees required by this section shall be as prescribed in

2493 such regulations. The commissioner may suspend or revoke a permit
2494 for violation of any term or condition of the permit, for conviction of a
2495 violation of section 22a-131a or for assessment of a fine under section
2496 22a-131. The commissioner may conduct a program of study and
2497 research and demonstration, relating to new and improved methods of
2498 waste oil and petroleum or chemical liquids or waste solid, liquid or
2499 gaseous products or hazardous wastes disposal. For the purposes of
2500 this section, collecting, storing, or treating of waste oil, petroleum or
2501 chemical liquids or hazardous waste shall mean such activities when
2502 engaged in by a person whose principal business is the management of
2503 such wastes.

2504 (b) No person may dispose of any hazardous waste in a hazardous
2505 waste land disposal facility except the following: (1) Metal hydroxide
2506 sludge generated from the treatment of electroplating or metal
2507 finishing operation waste waters or any other metal hydroxide sludge
2508 approved by the commissioner; (2) hazardous waste sludge or residue
2509 resulting from an operation determined by the commissioner to be a
2510 recycling operation and which has received the required approvals
2511 from the commissioner and the Connecticut Siting Council, provided
2512 the commissioner determines that such residue cannot reasonably be
2513 incinerated or otherwise managed; and (3) hazardous waste spills, fly
2514 ash, residue from waste-to-energy facilities or municipal wastewater
2515 treatment sludge that has been determined to be hazardous waste but
2516 approved for such disposal by the commissioner. As used in this
2517 subsection, "hazardous waste" has the same meaning as in section 22a-
2518 115 and "hazardous waste land disposal facility" means a facility or
2519 part of a facility where hazardous waste is applied onto, placed within
2520 or beneath the soil surface and remains after closure of the facility. The
2521 prohibition established by this subsection shall not continue after July
2522 1, 1991, unless renewed by the General Assembly. Notwithstanding
2523 the provisions of this subsection, any restrictions on the land disposal
2524 of hazardous waste imposed by the commissioner pursuant to this
2525 subsection shall be as stringent as those imposed under Subtitle C of
2526 the Resource Conservation and Recovery Act of 1976 (42 USC 6901 et

2527 seq.), as amended.

2528 (c) No person shall engage in the business of the transfer of
2529 hazardous waste from one vehicle to another or from one mode of
2530 transportation to another without a permit from the commissioner
2531 issued under subsection (a) of this section.

2532 (d) The commissioner shall require the payment of the following
2533 fees for permits under this section: (1) Forty-five thousand two
2534 hundred fifty dollars to operate a hazardous waste landfill or
2535 incinerator; (2) twenty-one thousand two hundred fifty dollars to store
2536 or treat hazardous waste; (3) ten thousand [five hundred] seven
2537 hundred fifty dollars to engage in the transfer of hazardous waste as
2538 described in subsection (c) of this section if the hazardous waste is
2539 transferred from its original container to another container; and (4)
2540 [three thousand seven hundred fifty] four thousand dollars to engage
2541 in the transfer of hazardous waste as described in subsection (c) of this
2542 section if the hazardous waste remains in the original container. The
2543 commissioner shall also charge a fee of [one] two hundred dollars for
2544 each hazardous waste treatment, disposal or storage facility which
2545 submits an application for a status change to a generator. The
2546 commissioner shall charge a fee of [fifty] one hundred dollars for each
2547 hazardous waste large quantity generator which submits an
2548 application for status change to a small generator.

2549 (e) (1) The commissioner may issue a general permit for a category
2550 of activities which require a permit under subsection (a) of this section
2551 or license under subsection (b) of section 22a-449, as amended by this
2552 act, except for an activity for which an individual permit has already
2553 been obtained provided the issuance of the general permit is not
2554 inconsistent with the requirements of the federal Resource
2555 Conservation and Recovery Act. Any person or municipality
2556 conducting an activity for which a general permit has been issued shall
2557 not be required to obtain an individual permit under subsection (a) of
2558 this section, except as provided in subdivision (3) of this subsection.

2559 The general permit may regulate a category of activities which: (A)
2560 Involve the same or substantially similar types of operations; (B)
2561 involve the collection, storage, treatment or disposal of the same types
2562 of substances; (C) require the same operating conditions or standards,
2563 and (D) require the same or similar monitoring, and which in the
2564 opinion of the commissioner are more appropriately controlled under
2565 a general permit than under an individual permit. The general permit
2566 may require any person or municipality proposing to conduct any
2567 activity under the general permit to register such activity with the
2568 commissioner before it is covered by the general permit. Registration
2569 shall be on a form prescribed by the commissioner.

2570 (2) Notwithstanding any provisions of this section, or any
2571 regulations adopted thereunder, or of chapter 54, the following
2572 procedures shall apply to the issuance, renewal, modification,
2573 revocation or suspension of a general permit: (A) A general permit
2574 shall be issued for a term specified by the permit and shall clearly
2575 define the activity covered thereby and may include such conditions
2576 and requirements as the commissioner deems appropriate, including
2577 but not limited to operation and maintenance requirements,
2578 management practices, and reporting requirements; (B) the
2579 commissioner shall publish notice of intent to issue a general permit in
2580 a newspaper having a substantial circulation in the affected area; (C)
2581 there shall be a comment period of thirty days following publication of
2582 such notice during which interested persons may submit written
2583 comments to the commissioner; (D) the commissioner shall publish
2584 notice of the issuance or decision not to issue a general permit in a
2585 newspaper having substantial circulation in the affected area. The
2586 commissioner may revoke, suspend or modify a general permit in
2587 accordance with the notice and comment procedures for issuance of a
2588 general permit specified in this subsection. Any person may request
2589 that the commissioner issue, modify, suspend or revoke a general
2590 permit in accordance with this subsection; and (E) summary
2591 suspension may be ordered in accordance with subsection (c) of
2592 section 4-182.

2593 (3) Subsequent to the issuance of a general permit, the commissioner
2594 may require any person or municipality whose activity is or may be
2595 covered by the general permit to apply for and obtain an individual
2596 permit pursuant to subsection (a) of this section if he determines that
2597 an individual permit would better protect the land, air and waters of
2598 the state from pollution. The commissioner may require an individual
2599 permit under this subdivision in cases including, but not limited to the
2600 following: (A) When the owner or operator is not in compliance with
2601 the conditions of the general permit; (B) when a change has occurred in
2602 the availability of demonstrated technology or practices for the control
2603 or abatement of pollution applicable to the activity; (C) when
2604 circumstances have changed since the time of the issuance of the
2605 general permit so that the activity is no longer appropriately controlled
2606 under the general permit, or either a temporary or permanent
2607 reduction or elimination of the authorized activity is necessary; or (D)
2608 when a relevant change has occurred in the applicability of the federal
2609 Resource Conservation and Recovery Act. In making the
2610 determination to require an individual permit, the commissioner may
2611 consider the location, character, and size of the activity, and any other
2612 relevant factors. The commissioner may require an individual permit
2613 under this subdivision only if the affected person or municipality
2614 covered by the general permit has been notified in writing that a
2615 permit application is required. This notice shall include a brief
2616 statement of the reasons for this decision, an application form, a
2617 statement setting a time for the person or municipality to file the
2618 application, and a statement that on the effective date of the individual
2619 permit the general permit as it applies to the individual permittee shall
2620 automatically terminate. The commissioner may grant an extension of
2621 time upon the request of the applicant. If the affected person or
2622 municipality does not submit a complete application for an individual
2623 permit within the time frame set forth in the commissioner's notice or
2624 as extended by the commissioner in writing, then the general permit as
2625 it applies to the affected person or municipality shall automatically
2626 terminate. The applicant shall use his best efforts to obtain the

2627 individual permit. Any interested person or municipality may petition
2628 the commissioner to take action under this subdivision.

2629 (4) The commissioner may adopt regulations, in accordance with the
2630 provisions of chapter 54 to carry out the purposes of this subsection.

2631 Sec. 43. Section 22a-454a of the general statutes is repealed and the
2632 following is substituted in lieu thereof (*Effective July 1, 2009*):

2633 Each hazardous waste treatment, storage or disposal facility, as
2634 defined in regulations adopted by the commissioner pursuant to
2635 section 22a-449, as amended by this act, shall pay a fee of [three
2636 thousand seven hundred fifty] four thousand dollars at the time it
2637 submits closure/postclosure plans to the Department of
2638 Environmental Protection.

2639 Sec. 44. Section 22a-454b of the general statutes is repealed and the
2640 following is substituted in lieu thereof (*Effective July 1, 2009*):

2641 Each hazardous waste treatment, storage or disposal facility, as
2642 defined in regulations adopted by the commissioner pursuant to
2643 section 22a-449, as amended by this act, which is subject to
2644 groundwater monitoring requirements shall pay a fee of [seven
2645 hundred fifty] nine hundred forty dollars annually during its
2646 operating and postclosure period.

2647 Sec. 45. Section 22a-454c of the general statutes is repealed and the
2648 following is substituted in lieu thereof (*Effective July 1, 2009*):

2649 (a) Each generator which generates in any calendar month during
2650 the calendar year one thousand kilograms or more of hazardous waste
2651 or one kilogram or more of acutely hazardous waste shall pay an
2652 annual fee of [one] two hundred dollars to the Commissioner of
2653 Environmental Protection.

2654 (b) Each hazardous waste landfill, incinerator, storage, treatment or
2655 land treatment facility, as defined in regulations adopted by the

2656 Commissioner of Environmental Protection in regulations adopted
2657 pursuant to section 22a-449, as amended by this act, shall pay an
2658 annual fee of one thousand [five hundred] seven hundred fifty dollars.

2659 Sec. 46. Section 23-61b of the general statutes is repealed and the
2660 following is substituted in lieu thereof (*Effective July 1, 2009*):

2661 (a) No person shall advertise, solicit or contract to do arboriculture
2662 within this state at any time without a license issued in accordance
2663 with the provisions of this section, except that any person may
2664 improve or protect any tree on such person's own premises or on the
2665 property of such person's employer without securing such a license
2666 provided such activity does not violate the provisions of chapter 441,
2667 subsection (a) of section 23-61a or this section. Application for such
2668 license shall be made to the Commissioner of Environmental
2669 Protection and shall contain such information regarding the applicant's
2670 qualifications and proposed operations and other relevant matters as
2671 the commissioner may require and shall be accompanied by a fee of
2672 [twenty-five] fifty dollars which shall not be returnable.

2673 (b) The commissioner shall require the applicant to show upon
2674 examination that the applicant possesses adequate knowledge
2675 concerning the proper methods of arboriculture and the dangers
2676 involved and the precautions to be taken in connection with these
2677 operations, together with knowledge concerning the proper use and
2678 application of pesticides and the danger involved and precautions to
2679 be taken in connection with their application. If the applicant is other
2680 than an individual, the applicant shall designate an officer, member or
2681 technician of the organization to take the examination, which designee
2682 shall be subject to approval of the commissioner except that any
2683 person who uses pesticides in arboriculture shall be licensed to do
2684 arboriculture or shall be a licensed commercial applicator under
2685 chapter 441. If the extent of the applicant's operations warrant, the
2686 commissioner may require more than one such member or technician
2687 to be examined. If the commissioner finds the applicant qualified, the

2688 commissioner shall issue a license to perform arboriculture within this
2689 state. A license shall be valid for a period of five years. If the
2690 commissioner finds that the applicant is not qualified, or if the
2691 commissioner refuses to issue a license for any other reason, the
2692 commissioner shall so inform the applicant in writing, giving reasons
2693 for such refusal.

2694 (c) The commissioner may issue a license without examination to
2695 any nonresident who is licensed in another state under a law that
2696 provides substantially similar qualifications for licensure and which
2697 grants similar privileges of licensure without examination to residents
2698 of this state licensed under the provisions of this section.

2699 (d) Each licensee shall pay a license renewal fee of one hundred
2700 [fifty] ninety dollars for each renewal. All examination and license
2701 renewal fees shall be deposited as provided in section 4-32, and any
2702 expenses incurred by the commissioner in making examinations,
2703 issuing certificates, inspecting tree work or performing any duties of
2704 the commissioner shall be charged against appropriations of the
2705 General Fund.

2706 (e) Each licensee shall maintain and, upon request, furnish such
2707 records concerning licensed activities as the commissioner may
2708 require.

2709 (f) The commissioner may suspend for not more than ten days and,
2710 after notice and hearing as provided in any regulations established by
2711 the commissioner, may suspend for additional periods, or the
2712 commissioner may revoke, any license issued under this section if the
2713 commissioner finds that the licensee is no longer qualified or has
2714 violated any provision of section 23-61a or this section, or any
2715 regulation adopted thereunder.

2716 (g) The Commissioner of Environmental Protection, in consultation
2717 with the board, shall establish standards for examining applicants and
2718 reexamining applicators with respect to the proper use and application

2719 of pesticides and agricultural methods. Such standards shall provide
2720 that in order to be certified, an individual shall be competent with
2721 respect to the use and handling of pesticides or the use and handling
2722 of the pesticide or class of pesticides covered by such individual's
2723 application or certification and in the proper and safe application of
2724 recognized arboricultural methods.

2725 (h) Any licensed arborist shall be considered to be a certified
2726 applicator under section 22a-54, as amended by this act, with respect to
2727 the use of pesticides.

2728 Sec. 47. Section 23-65j of the general statutes is repealed and the
2729 following is substituted in lieu thereof (*Effective July 1, 2009*):

2730 (a) The Commissioner of Environmental Protection may adopt
2731 regulations, in accordance with the provisions of chapter 54, governing
2732 the conduct of forest practices including, but not limited to, the harvest
2733 of commercial forest products and other such matters as the
2734 commissioner deems necessary to carry out the provisions of sections
2735 23-65f to 23-65o, inclusive. Notice of intent to adopt such regulations
2736 shall be sent by certified mail, return receipt requested, to the chief
2737 elected official of each municipality concurrent with publication in the
2738 Connecticut Law Journal. Such regulations shall provide for a
2739 comprehensive state-wide system of laws and forest practices
2740 regulations which will achieve the following purposes and policies: (1)
2741 Afford protection to and improvement of air and water quality; (2)
2742 afford protection to forests from fire, insects, disease and other
2743 damaging agents; (3) afford protection to and promote the recovery of
2744 threatened and endangered species regulated pursuant to chapter 495;
2745 (4) encourage the harvesting of forest products in ways which result in
2746 no net loss of site productivity and which respect aesthetic values; (5)
2747 assure that forest practices are conducted in a safe manner; (6) provide
2748 a continuing supply of forest products from a healthy, vigorous forest
2749 resource; (7) promote the sound, professionally guided, long-term
2750 management of forested lands and forest resources, considering both

2751 the goals of ownership held by the forest owner and the public
2752 interest; (8) encourage the retention of healthy forest vegetation
2753 whenever possible as forested lands are converted to nonforest uses or
2754 developed for recreational, residential or industrial purposes; (9)
2755 provide the Commissioner of Environmental Protection with essential
2756 data on pressures and influences on forest resources, state-wide and on
2757 the rate of loss of forested lands. Prior to adopting such regulations,
2758 the commissioner shall prepare a report assessing the costs to the
2759 regulated entities, the benefits to the state and the environmental
2760 impacts of adopting such regulations. Such regulations may include,
2761 but not be limited to: (A) Minimum standards for forest practices; (B)
2762 establishment of a process by which harvests of commercial forest
2763 products from lands other than state-owned lands managed by the
2764 department shall be authorized; and (C) necessary administrative
2765 provisions.

2766 (b) The commissioner may by regulation prescribe fees for the
2767 authorization of harvests of commercial forest products from lands
2768 other than state-owned lands managed by the department. The fees
2769 collected in accordance with this section shall be deposited directly in
2770 the [Environmental Conservation Fund established pursuant to section
2771 22a-27h] General Fund.

2772 Sec. 48. Section 26-27 of the general statutes is repealed and the
2773 following is substituted in lieu thereof (*Effective July 1, 2009*):

2774 (a) Except as provided in subsection (b), (c), (e) or (f) of this section
2775 and other provisions of this chapter providing specific license
2776 exemption, no person shall take, hunt or trap, or shall attempt to take,
2777 hunt or trap, or assist in taking, hunting or trapping, any wild bird or
2778 mammal and no person more than sixteen years of age shall take,
2779 attempt to take, or assist in taking any fish or bait species in the inland
2780 waters or marine district by any method or land marine fish and bait
2781 species in the state, regardless of where such marine fish or bait species
2782 are taken, without first having obtained a license as provided in this

2783 chapter. No person under sixteen years of age shall hunt or trap,
2784 except as provided in section 26-38.

2785 (b) Any landowner who has a domiciliary residence in this state, his
2786 spouse or lineal descendants may hunt, trap or fish on land owned by
2787 him or on land leased by him and on which he is actually domiciled,
2788 which land is not used for club, fishing or hunting purposes, without a
2789 license, subject to the provisions of this chapter.

2790 (c) No fishing license shall be required for any person who is rowing
2791 a boat or operating the motor of a boat from which other persons are
2792 taking or attempting to take fish.

2793 (d) The taking of fish and bait species as herein provided shall be
2794 regarded as sport fishing and the taking or landing of such species in
2795 the inland waters or marine district by commercial methods for
2796 commercial purposes shall be governed by other provisions of this
2797 chapter.

2798 (e) No fishing license shall be required for any resident of the state
2799 who is participating in a fishing derby authorized in writing by the
2800 Commissioner of Environmental Protection provided (1) no fees are
2801 charged for such derby, (2) such derby has a duration of one day or
2802 less and (3) such derby is sponsored by a nonprofit civic service
2803 organization. Such organization shall be limited to one derby in any
2804 calendar year.

2805 (f) The Commissioner of Environmental Protection may designate
2806 one day in each calendar year when no license shall be required for
2807 sport fishing.

2808 (g) No fishing license shall be required for any person who is fishing
2809 as a passenger on a party boat, charter boat or head boat registered
2810 under section 26-142a, as amended by this act, and operating solely in
2811 the marine district.

2812 Sec. 49. Section 26-27b of the general statutes is repealed and the

2813 following is substituted in lieu thereof (*Effective July 1, 2009*):

2814 (a) On or after July 1, 1993, no person sixteen years of age or older
2815 may hunt waterfowl or take waterfowl in the state without first
2816 procuring a Connecticut Migratory Bird Conservation Stamp and
2817 having such stamp in his possession with his signature written in ink
2818 across the face of the stamp while hunting waterfowl or taking
2819 waterfowl. The stamp shall not be transferable and shall be issued
2820 annually beginning on July first.

2821 (b) The Commissioner of Environmental Protection shall provide for
2822 the design, production and procurement of the mandatory Connecticut
2823 Migratory Bird Conservation Stamp and shall, by regulations adopted
2824 in accordance with the provisions of chapter 54, provide for the
2825 issuance of the stamp. Stamps shall be sold at a price determined by
2826 the commissioner, provided the price of a mandatory stamp shall not
2827 exceed [ten] fifteen dollars. Any agent or town clerk issuing such
2828 stamps may retain a fee of fifty cents for each stamp sold and shall
2829 remit the balance to the Department of Environmental Protection.

2830 Sec. 50. Section 26-27c of the general statutes is repealed and the
2831 following is substituted in lieu thereof (*Effective July 1, 2009*):

2832 The Commissioner of Environmental Protection may provide for the
2833 Connecticut Migratory Bird Stamp to be reproduced and marketed in
2834 the form of prints and other related artwork. [Funds generated from
2835 such marketing and from the sale of stamps pursuant to section 26-27b
2836 shall be deposited in a separate account maintained by the Treasurer
2837 and known as the migratory bird conservation account. The migratory
2838 bird conservation account shall be an account of the Conservation
2839 Fund. All funds credited to the migratory bird conservation account
2840 shall only be used for: (1) The development, management,
2841 preservation, conservation, acquisition, purchase and maintenance of
2842 waterfowl habitat and wetlands and purchase or acquisition of
2843 recreational rights or interests relating to migratory birds; and (2) the
2844 design, production, promotion and procurement and sale of the prints

2845 and related artwork.]

2846 Sec. 51. Section 26-27d of the general statutes is repealed and the
2847 following is substituted in lieu thereof (*Effective July 1, 2009*):

2848 (a) There is established a Citizens' Advisory Board for the
2849 Connecticut Migratory Bird Conservation Stamp Program. The board
2850 shall consist of seven members appointed by the Commissioner of
2851 Environmental Protection. The members of the board shall be
2852 individuals representing organizations having a record of activity in
2853 migratory bird or wetland habitat conservation or who have an
2854 expertise or recognized knowledge in an area pertinent and valuable to
2855 the program. The board shall elect a chairman from among its
2856 membership on or before July 1, 1992. The chairman shall be
2857 unaffiliated with any administrative agency of the state.

2858 (b) The board shall advise the Commissioner of Environmental
2859 Protection on the design, production and procurement of the
2860 Connecticut Migratory Bird Conservation Stamp. [and the expenditure
2861 of funds generated from the sale of such stamps and associated art
2862 products produced pursuant to sections 26-27b and 26-27c.]

2863 Sec. 52. Section 26-28 of the general statutes is repealed and the
2864 following is substituted in lieu thereof (*Effective July 1, 2009*):

2865 (a) Except as provided in subsection (b) of this section, the fees for
2866 firearms hunting, archery hunting, trapping and sport fishing licenses
2867 or for the combination thereof shall be as follows: (1) Resident firearms
2868 hunting license, [fourteen] twenty-eight dollars; (2) resident fishing
2869 license, [twenty] forty dollars; (3) resident marine waters fishing
2870 license, thirty dollars; (4) one-day resident marine waters fishing
2871 license, fifteen dollars; (5) resident all-waters fishing license, fifty
2872 dollars; (6) resident combination license to [firearms hunt and] fish in
2873 inland waters and firearms hunt, [twenty-eight] fifty-six dollars; [(4)]
2874 (7) resident combination license to fish in marine waters and firearms
2875 hunt, fifty dollars; (8) resident combination license to fish in all waters

2876 and firearms hunt, sixty dollars; (9) resident combination license to fish
2877 in all waters and bow and arrow permit to hunt deer and small game
2878 issued pursuant to section 26-86c, as amended by this act, eighty-four
2879 dollars; (10) resident firearms super sport license to fish in all waters
2880 and firearms hunt, firearms private land shotgun or rifle deer permit
2881 issued pursuant to section 26-86a, as amended by this act, and permit
2882 to hunt wild turkey during the spring season on private land issued
2883 pursuant to section 26-48a, as amended by this act, one hundred
2884 sixteen dollars; (11) resident archery super sport license to fish in all
2885 waters, bow and arrow permit to hunt deer and small game issued
2886 pursuant to section 26-86c, as amended by this act, and permit to hunt
2887 wild turkey during the spring season on private land issued pursuant
2888 to section 26-48a, as amended by this act, one hundred four dollars;
2889 (12) resident trapping license, [twenty-five] fifty dollars; [(5)] (13)
2890 resident junior trapping license for persons under sixteen years of age,
2891 [three] fifteen dollars; [(6)] (14) junior firearms hunting license, [three]
2892 fifteen dollars; [(7)] (15) nonresident firearms hunting license, [sixty-
2893 seven] one hundred thirty-four dollars; [(8)] (16) nonresident inland
2894 waters fishing license, [forty] eighty dollars; [(9)] (17) nonresident
2895 inland waters fishing license for a period of three consecutive days,
2896 [sixteen] thirty-two dollars; [(10)] (18) nonresident marine waters
2897 fishing license, sixty dollars; (19) nonresident marine waters fishing
2898 license for a period of three consecutive days, twenty-four dollars; (20)
2899 nonresident all-waters fishing license, one hundred dollars; (21)
2900 nonresident combination license to firearms hunt and inland waters
2901 fish, [eighty-eight] one hundred seventy-six dollars; [and (11)] (22)
2902 nonresident combination license to fish in all waters and firearms hunt,
2903 one hundred ninety dollars; (23) nonresident combination license to
2904 fish in marine waters and firearms hunt, one hundred seventy dollars;
2905 and (24) nonresident trapping license, two hundred fifty dollars.
2906 Persons sixty-five years of age and over who have been residents of
2907 this state for not less than one year and who meet the requirements of
2908 subsection (b) of section 26-31 may be issued [a lifetime] an annual
2909 license to firearms hunt or to fish or combination license to fish and

2910 firearms hunt or a license to trap without fee. The issuing agency shall
2911 indicate on a combination license the specific purpose for which such
2912 license is issued. The town clerk shall retain a recording fee of one
2913 dollar for each license issued by him.

2914 (b) Any nonresident residing in one of the New England states or
2915 the state of New York may procure a license to hunt or to fish or to
2916 hunt and fish for the same fee or fees as a resident of this state if he is a
2917 resident of a state the laws of which allow the same privilege to
2918 residents of this state.

2919 Sec. 53. Section 26-35 of the general statutes is repealed and the
2920 following is substituted in lieu thereof (*Effective July 1, 2009*):

2921 Each firearms hunting, archery hunting, trapping or sport fishing
2922 license or the combination firearms hunting and fishing license, except
2923 licenses issued pursuant to subdivisions [(7) and (10)] (4), (17) and (19)
2924 of subsection (a) of section 26-28, as amended by this act, shall expire
2925 December thirty-first next following the date of issue and shall not be
2926 transferable. No person shall change or alter such a license or loan to
2927 another or permit another to have or use such license issued to himself
2928 or use any license issued to another. All licenses shall be carried as
2929 designated by the commissioner at all times when such licensee is
2930 hunting, trapping or sport fishing and shall be produced for
2931 examination upon demand of any conservation officer or other
2932 employee of the department designated by the commissioner or any
2933 other officer authorized to make arrests or the owner or lessee or the
2934 agent of any owner or lessee of any land or water upon which such
2935 licensed person may be found. Whenever the commissioner has
2936 designated any land or water area a wildlife management study area,
2937 he may require such licensee to surrender his license upon entering
2938 such area and issue to the licensee an arm band, back tag or other
2939 identification. The license shall be returned to the licensee upon
2940 leaving such area. Each person receiving a license to hunt or to trap
2941 shall make an annual report to the commissioner in such form and at

2942 such time as may be required by him showing the numbers and kinds
2943 of birds and quadrupeds killed or trapped. A firearms hunting or a
2944 combination firearms hunting and fishing license shall not authorize
2945 the carrying or possession of a pistol or revolver.

2946 Sec. 54. Section 26-37 of the general statutes is repealed and the
2947 following is substituted in lieu thereof (*Effective July 1, 2009*):

2948 The commissioner, upon written application and the payment of a
2949 fee of [seven] fifteen dollars, shall issue to any person licensed to hunt,
2950 to hunt and trap or fish, or the combination thereof, a duplicate license
2951 when he is satisfied that the original license of such person has been
2952 lost, destroyed or mutilated beyond recognition. No such application
2953 form shall contain any material false statement. All such application
2954 forms shall have printed thereon, "I declare under the penalties of false
2955 statement that the statements herein made by me are true and correct."
2956 Any person who makes any material false statement on such
2957 application form shall be guilty of false statement and shall be subject
2958 to the penalties provided for false statement and such offense shall be
2959 deemed to have been committed in the town of residence of the
2960 applicant, except that in the case of applications received from
2961 nonresidents such offense shall be deemed to have been committed in
2962 the town in which such application is presented or received for
2963 processing. The town clerk certifying such application form shall
2964 receive from the total fee herein specified the sum of one dollar.

2965 Sec. 55. Section 26-39 of the general statutes is repealed and the
2966 following is substituted in lieu thereof (*Effective July 1, 2009*):

2967 Any hunting organization or individual owning and using for
2968 hunting an organized pack of ten or more hounds or beagles may hunt
2969 foxes or rabbits for sport during the open season provided therefor,
2970 provided such organization or individual shall be licensed to do so.
2971 The commissioner may issue such license upon application and the
2972 payment of an annual fee of [thirty-five] seventy dollars. Persons
2973 participating in hunting conducted with an organized pack of hounds

2974 under such a license shall not be required to have a hunting license. No
2975 participant in such hunt shall carry firearms.

2976 Sec. 56. Section 26-40 of the general statutes is repealed and the
2977 following is substituted in lieu thereof (*Effective July 1, 2009*):

2978 No person, association or corporation shall possess more than one
2979 live specimen of, breed or propagate any wild game bird or wild game
2980 quadruped of the following species without a game breeder's license
2981 as provided herein: In the family Anatidae, all ducks, geese and swans;
2982 in the family Phasianidae, all quail, partridge and the following strains
2983 of pheasant: Blackneck, Chinese, English, Formosan, melanistic mutant
2984 and Mongolian or any cross-breeding thereof and for the purpose of
2985 section 22-327 all other members of this family shall be classed as
2986 domestic fowls; in the family Tetranoidae, the ruffed grouse; in the
2987 family Melegrididae, turkeys except domestic strains; in the family
2988 Cervidae, the sika and white tail deer; in the family Procyonidae, the
2989 raccoon; in the family Mustelidae, the otter; in the family Castoridae,
2990 the beaver; and in the family Leporidae, all species except domestic
2991 strains. The commissioner, upon written application and the payment
2992 of a fee of [twenty-one] forty-two dollars, may license any person,
2993 association or corporation to possess, breed, propagate and sell any
2994 birds or mammals specified in this section. Such license shall be annual
2995 and nontransferable and shall expire on the thirty-first day of
2996 December after its issuance. The commissioner may adopt regulations
2997 concerning the granting of such licenses and the sale, propagation and
2998 transportation of birds or mammals specified in this section
2999 propagated and possessed by any such licensee. All applications for
3000 such licenses shall be upon blanks prepared and furnished by the
3001 commissioner. Any person, association or corporation, licensed under
3002 the provisions of this section, shall keep a record of all birds or
3003 mammals specified in this section which are sold, transported or
3004 propagated by such licensee, whether the same are sold dead or alive,
3005 and shall report to the commissioner not later than the January thirty-
3006 first of the year following the expiration of the license period. Such

3007 report shall contain the number of birds and mammals procured,
3008 possessed and propagated and the name of each person to whom any
3009 such sale has been made and the date of such sale or transportation.
3010 Each package containing birds or mammals specified in this section, or
3011 any part thereof, so propagated or possessed and offered for
3012 transportation shall be plainly labeled with the name and license
3013 number of the licensee offering the same for transportation, the name
3014 of the consignee and a statement of the contents of such package. Any
3015 license granted under the provisions of this section may be revoked by
3016 the commissioner. No person, association or corporation may breed,
3017 propagate or sell any skunk or raccoon, except that such animals, with
3018 the approval of the commissioner may be kept in a zoo, nature center,
3019 museum, laboratory or research facility maintained by a scientific or
3020 educational institution. In no instance shall such animals be accessible
3021 to handling by the general public. No person may possess any skunk
3022 purchased in any Connecticut retail establishment after May 1, 1979, or
3023 any raccoon purchased after October 1, 1985. Any person, association
3024 or corporation which violates any provision of this section or any
3025 regulation issued by the commissioner pursuant thereto shall be fined
3026 not more than ninety dollars for each offense.

3027 Sec. 57. Section 26-42 of the general statutes is repealed and the
3028 following is substituted in lieu thereof (*Effective July 1, 2009*):

3029 (a) No person shall engage in the business of buying raw furs
3030 produced in this state without obtaining a license from the
3031 commissioner. Such license shall be nontransferable and shall expire
3032 on June thirtieth next succeeding its issuance. Any license issued in
3033 accordance with the provisions of this section may be revoked for
3034 failure of the licensee to report the activities engaged in under the
3035 license to the commissioner. Activities shall be reported in a manner
3036 and at a time specified by the commissioner. Any conservation officer,
3037 special conservation officer or recreation officer may examine and
3038 inspect any premises used by or records maintained by any person
3039 pursuant to a license issued under this section. Notwithstanding any

3040 provision of section 1-210 to the contrary, no person shall obtain,
3041 attempt to obtain or release to any person or government agency any
3042 identifiable individual record of, or information derived from, any
3043 report submitted in accordance with the provisions of this section or
3044 submitted voluntarily upon request of the commissioner without the
3045 consent of the person making the report, except that the commissioner
3046 may authorize the release of such information for the purposes of
3047 wildlife research, management or development. The fees for such
3048 licenses shall be as follows: For each nonresident, or resident, [forty-
3049 two] eighty-four dollars, and for each authorized agent of a licensed
3050 resident fur buyer, [twenty-eight] fifty-six dollars.

3051 (b) The commissioner may adopt regulations in accordance with the
3052 provisions of chapter 54 concerning the buying and selling of raw furs.
3053 Such regulations may establish (1) procedures for recording and
3054 reporting transactions involving raw furs, and (2) tagging
3055 requirements for buying and selling raw furs.

3056 (c) Any person who violates any provision of this section shall be
3057 fined not less than one hundred dollars or more than two hundred
3058 fifty dollars or imprisoned not more than ten days or be both fined and
3059 imprisoned.

3060 Sec. 58. Section 26-45 of the general statutes is repealed and the
3061 following is substituted in lieu thereof (*Effective July 1, 2009*):

3062 No person shall possess for the purpose of sale, sell or offer for sale
3063 any bait species without first obtaining a bait dealer's license from the
3064 commissioner, provided the provisions hereof shall not apply to
3065 persons issued a commercial hatchery license under section 26-149, as
3066 amended by this act. Application forms for such license shall be
3067 furnished by the commissioner. Such license shall be nontransferable.
3068 The fee for each such license shall be [fifty] one hundred dollars
3069 annually. Each such license shall expire on the last day of December
3070 next after issuance. Each such licensed bait dealer may possess and sell
3071 only such bait species as shall be authorized under regulations issued

3072 by the commissioner, provided live carp and goldfish shall not be
3073 possessed for any purpose on premises used by licensed bait dealers.
3074 Each such licensee shall keep such records relating to the operation of
3075 such business as the commissioner determines on forms furnished by
3076 the commissioner and shall file such report with the commissioner
3077 within thirty days after the expiration of such license. No such report
3078 shall contain any material false statement. Failure to file such report
3079 shall be a violation of this section and the commissioner may refuse to
3080 reissue such license until the licensee complies with this requirement.
3081 Representatives of the commissioner may enter upon the premises of
3082 bait dealers at any time to inspect required records and the bait species
3083 possessed and to detect violations of this section and regulations
3084 issued hereunder by the commissioner, and such representatives may
3085 confiscate and dispose of any fish illegally possessed. Any person who
3086 violates any provision of this section or any such regulation issued by
3087 the commissioner shall be fined not less than ten dollars nor more than
3088 one hundred dollars or be imprisoned not more than thirty days or
3089 both.

3090 Sec. 59. Section 26-46 of the general statutes is repealed and the
3091 following is substituted in lieu thereof (*Effective July 1, 2009*):

3092 (a) If and when the state of New York, the state of Massachusetts or
3093 the state of Rhode Island enacts a similar law granting reciprocal
3094 privileges to residents of this state, any person who holds a license to
3095 fish in the state of New York, the state of Massachusetts or the state of
3096 Rhode Island may fish in inland waters lying partly in this state and
3097 partly in such adjoining state, or in such waters as negotiated by the
3098 Commissioner of Environmental Protection of this state and any
3099 similar authority in such adjoining state, without a nonresident inland
3100 waters license to fish as required by this chapter; provided such
3101 nonresidents shall be subject to all other provisions of the statutes and
3102 the regulations of the commissioner relating to fishing in lakes and
3103 ponds.

3104 (b) If and when the state of New York, the state of Massachusetts,
3105 the state of New Hampshire, the state of Maine or the state of Rhode
3106 Island enacts a similar law granting reciprocal privileges to residents
3107 of this state, any nonresident who holds a marine or all-waters fishing
3108 license issued by one of said states having such reciprocal privileges
3109 may fish in the marine district or land marine species in Connecticut
3110 and is not required to purchase a Connecticut nonresident marine or
3111 all-waters license. Such nonresidents shall be subject to all other
3112 provisions of the statutes and the regulations of the commissioner
3113 relating to fishing in the marine district.

3114 Sec. 60. Subsection (b) of section 26-47 of the general statutes is
3115 repealed and the following is substituted in lieu thereof (*Effective July*
3116 *1, 2009*):

3117 (b) (1) No person shall engage in the business of controlling
3118 nuisance wildlife, other than rats or mice, without obtaining a license
3119 from the commissioner. Such license shall be valid for a period of two
3120 years and may be renewed in accordance with a schedule established
3121 by the commissioner. The fee for such license shall be two hundred
3122 fifty dollars. The controlling of nuisance wildlife at the direction of the
3123 commissioner shall not constitute engaging in the business of
3124 controlling nuisance wildlife for the purposes of this section. No
3125 person shall be licensed under this subsection unless the person: (A)
3126 Provides evidence, satisfactory to the commissioner, that the person
3127 has completed training which included instruction in site evaluation,
3128 methods of nonlethal and approved lethal resolution of common
3129 nuisance wildlife problems, techniques to prevent reoccurrence of such
3130 problems and humane capture, handling and euthanasia of nuisance
3131 wildlife and instruction in methods of nonlethal resolution of common
3132 nuisance wildlife problems, including, but not limited to, training
3133 regarding frightening devices, repellants, one-way door exclusion and
3134 other exclusion methods, habitat modification and live-trapping and
3135 releasing and other methods as the commissioner may deem
3136 appropriate; and (B) is a resident of this state or of a state that does not

3137 prohibit residents of this state from being licensed as nuisance wildlife
3138 control operators because of lack of residency.

3139 (2) The licensure requirements shall apply to municipal employees
3140 who engage in the control or handling of animals, including, but not
3141 limited to, animal control officers, except that no license shall be
3142 required of such employees for the emergency control of rabies.
3143 Notwithstanding the requirements of this subsection, the
3144 commissioner shall waive the licensure fee for such employees. The
3145 commissioner shall provide to such municipal employees, without
3146 charge, the training required for licensure under this subsection. A
3147 license held by a municipal employee shall be noncommercial,
3148 nontransferable and conditional upon municipal employment.

3149 (3) The commissioner shall adopt regulations, in accordance with
3150 the provisions of chapter 54, which (A) define the scope and methods
3151 for controlling nuisance wildlife provided such regulations shall
3152 incorporate the recommendations of the 1993 report of the American
3153 Veterinary Medical Association panel on euthanasia and further
3154 provided such regulations may provide for the use of specific
3155 alternatives to such recommendations only in specified circumstances
3156 where use of a method of killing approved by such association would
3157 involve an imminent threat to human health or safety and only if such
3158 alternatives are designed to kill the animal as quickly and painlessly as
3159 practicable while protecting human health and safety, and (B) establish
3160 criteria and procedures for issuance of a license.

3161 (4) Except as otherwise provided in regulations adopted under this
3162 section, no person licensed under this subsection may kill any animal
3163 by any method which does not conform to the recommendations of the
3164 1993 report of the American Veterinary Medical Association panel on
3165 euthanasia. No person may advertise any services relating to humane
3166 capture or relocation of wildlife unless all methods employed in such
3167 services conform to such regulations.

3168 (5) Any person licensed under this subsection shall provide all

clients with a written statement approved by the commissioner regarding approved lethal and nonlethal options, as provided in this subsection, which are available to the client for resolution of common nuisance problems. If a written statement cannot be delivered to the client prior to services being rendered, the licensee shall leave the statement at the job site or other location arranged with the client.

(6) Each person licensed under this subsection shall submit a report to the commissioner, on such date as the commissioner may determine, that specifies the means utilized in each case of nuisance wildlife control service provided in the preceding calendar year including any method used in those cases where an animal was killed. Any information included in such report which identifies a client of such person or the client's street address may be released by the commissioner only pursuant to an investigation related to enforcement of this section.

Sec. 61. Section 26-48 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2009*):

The commissioner may issue permits authorizing the establishment and operation of regulated private shooting preserves when in his judgment such preserves will not conflict with any reasonable prior public interest. The fee for such permit shall be [fifty] one hundred dollars per season. A hunting license shall not be required to hunt on such private shooting preserves. The commissioner shall govern and prescribe by regulations the size of the preserves, the methods of hunting, the species and sex of birds that may be taken, the open and closed seasons, the tagging of birds with tags furnished by the commissioner at a reasonable fee and the releasing, possession and use of legally propagated game birds thereon; and may require such reports as the commissioner deems necessary concerning the operation of such preserves. Any permit issued under the provisions of this section may be revoked for a violation of any provision of this chapter or for a violation of any regulation made by the commissioner relating

3201 to private shooting preserves.

3202 Sec. 62. Section 26-48a of the general statutes is repealed and the
3203 following is substituted in lieu thereof (*Effective July 1, 2009*):

3204 (a) The commissioner may establish, by regulations adopted in
3205 accordance with the provisions of chapter 54, standards for the
3206 management of salmon, migratory game birds in accordance with
3207 section 26-92, pheasant and turkey which shall include provision for
3208 the issuance of permits, tags or stamps. The commissioner may charge
3209 a fee for a permit, tag or stamp as follows: Not more than [fourteen]
3210 twenty-eight dollars for turkey; not more than [three] fifteen dollars for
3211 migratory game birds; not more than [fourteen] twenty-eight dollars
3212 for pheasant and not more than [twenty-eight] fifty-six dollars for
3213 salmon. No person shall be issued a permit, tag or stamp for migratory
3214 birds, pheasant or turkey without first obtaining a license to hunt and
3215 no person shall be issued a permit, tag or stamp for salmon without
3216 first obtaining a license to fish. Notwithstanding any provision of any
3217 regulation to the contrary, the commissioner may charge a fee of
3218 [fourteen] twenty-eight dollars for the issuance of a permit to hunt
3219 wild turkey on state-owned or private land during the fall season.

3220 (b) Such permits, tags or stamps shall be issued to qualified
3221 applicants by any town clerk. Application for such permits, tags or
3222 stamps shall be on such form and require of the applicant such
3223 information as the commissioner may prescribe. The commissioner
3224 may adopt regulations in accordance with the provisions of chapter 54
3225 authorizing a town clerk to retain part of any fee paid for a permit, tag
3226 or stamp issued by such town clerk pursuant to this section, provided
3227 the amount retained shall not be less than fifty cents.

3228 Sec. 63. Subsection (b) of section 26-49 of the general statutes is
3229 repealed and the following is substituted in lieu thereof (*Effective July*
3230 *1, 2009*):

3231 (b) Said commissioner may authorize the establishment and

3232 operation of regulated hunting dog-training areas and may issue to
3233 any person holding a private shooting preserve permit, as provided for
3234 under section 26-48, as amended by this act, or to any established game
3235 breeder holding a game breeder's license, as provided for under
3236 section 26-40, as amended by this act, or to any person holding a
3237 commercial kennel license, as provided for under section 22-342, a
3238 permit, which shall expire on June thirtieth next after issuance and for
3239 which a fee of [fourteen] twenty-eight dollars shall be charged,
3240 authorizing the liberation of artificially propagated game birds and
3241 pigeons, legally possessed and suitably tagged with tags furnished by
3242 the commissioner, for which a reasonable fee may be charged, and the
3243 subsequent shooting of such game birds and pigeons by persons
3244 authorized by any such permittee, in connection with the training of
3245 hunting dogs only, at any time, including Sunday; provided
3246 permission to shoot on Sunday on the area specified in the permit shall
3247 have the approval of the proper authorities of the town or towns in
3248 which such dog-training area is located and shall apply only to the
3249 period from sunrise to sunset.

3250 Sec. 64. Section 26-51 of the general statutes is repealed and the
3251 following is substituted in lieu thereof (*Effective July 1, 2009*):

3252 The commissioner may, upon application and payment of a fee of
3253 [seven] fifteen dollars, issue to any responsible person or organization
3254 a permit to hold a field dog trial subject to such regulations as he may
3255 prescribe. Any such permit may be revoked by the commissioner at
3256 any time.

3257 Sec. 65. Section 26-52 of the general statutes is repealed and the
3258 following is substituted in lieu thereof (*Effective July 1, 2009*):

3259 The commissioner may issue to any responsible person or
3260 authorized field trial group a permit to hold field dog trials, on land
3261 approved by the commissioner as suitable for the purpose, at any time,
3262 including Sunday, during daylight hours, at which liberated game
3263 birds, waterfowl and pigeons legally possessed may be shot. All such

3264 game birds shall, immediately after being shot, be tagged with tags
3265 furnished by the commissioner, for which a reasonable fee may be
3266 charged. Such game birds so tagged may be possessed, transported,
3267 bought and sold at any time. Tags shall not be removed from such
3268 game birds until such time as such birds are finally prepared for
3269 consumption. The commissioner may, by regulation, govern and
3270 prescribe the minimum number of such birds that shall be released, the
3271 method of liberating and the method of taking such birds, the species
3272 and sex of such birds that may be shot, locations where such field dog
3273 trials may be held, periods of the year when such field dog trials may
3274 be held, the maximum number of such field dog trials that shall be
3275 sponsored or conducted by an individual or group during the period
3276 from July first to June thirtieth and the method of reporting all such
3277 activities. Notwithstanding the provision of any regulation to the
3278 contrary, the fee for a permit to hold a field dog trial on state-owned
3279 land shall be [twenty-eight] fifty-six dollars and the fee for a permit to
3280 hold a field dog trial on private land shall be [fourteen] twenty-eight
3281 dollars.

3282 Sec. 66. Section 26-58 of the general statutes is repealed and the
3283 following is substituted in lieu thereof (*Effective July 1, 2009*):

3284 (a) No person shall practice taxidermy for profit unless he has
3285 obtained a license from the commissioner. The commissioner may,
3286 upon the application of any citizen of this state, accompanied by
3287 payment of a fee of [eighty-four] one hundred sixty-eight dollars, issue
3288 to such person a license to practice taxidermy, which license shall
3289 expire on December thirty-first next following the date of issue. Any
3290 such licensee shall permit, at any time, any law enforcement officer to
3291 examine and inspect any premises used by him for the practice of
3292 taxidermy. Such licensee may receive any bird or animal legally killed
3293 in this state or any bird or animal legally killed and imported into this
3294 state, for the purpose of tanning, curing or mounting the same, and the
3295 provisions of section 26-76 shall not apply to such person. Each
3296 licensee shall make an annual report to the commissioner, containing

3297 such information as he requires.

3298 (b) Any person who violates any provision of subsection (a) of this
3299 section shall be fined not less than one dollar or more than one
3300 hundred dollars or imprisoned not more than thirty days or be both
3301 fined and imprisoned.

3302 (c) The license of any person to practice taxidermy may be revoked
3303 or suspended at any time for cause by the commissioner.

3304 Sec. 67. Section 26-60 of the general statutes is repealed and the
3305 following is substituted in lieu thereof (*Effective July 1, 2009*):

3306 The commissioner may grant to any properly accredited person not
3307 less than eighteen years of age, upon written application, a permit to
3308 collect fish, crustaceans and wildlife and their nests and eggs, for
3309 scientific and educational purposes only, and not for sale or exchange
3310 or shipment from or removal from the state without the consent of the
3311 commissioner. The commissioner may determine the number and
3312 species of such fish, crustaceans and wildlife and their nests and eggs
3313 which may be taken and the area and method of collection of such fish,
3314 crustaceans and wildlife under any permit in any year. The permit
3315 shall be issued for a term established by the commissioner in
3316 accordance with federal regulations and shall not be transferable. The
3317 commissioner shall charge an annual fee of [twenty] forty dollars for
3318 such permit. Each person receiving a permit under the provisions of
3319 this section shall report to the commissioner on blanks furnished by
3320 the commissioner, at or before the expiration of such permit, the
3321 detailed results of the collections made thereunder. Any person
3322 violating the provisions of this chapter or of the permit held by him
3323 shall be subject to the penalties provided in section 26-64, and, upon
3324 conviction of such violation, the permit so held by him shall become
3325 void.

3326 Sec. 68. Section 26-86a of the general statutes is repealed and the
3327 following is substituted in lieu thereof (*Effective July 1, 2009*):

3328 (a) The commissioner shall establish by regulation adopted in
3329 accordance with the provisions of chapter 54 standards for deer
3330 management, and methods, regulated areas, bag limits, seasons and
3331 permit eligibility for hunting deer with bow and arrow, muzzleloader
3332 and shotgun, except that no such hunting shall be permitted on
3333 Sunday. No person shall hunt, pursue, wound or kill deer with a
3334 firearm without first obtaining a deer permit from the commissioner in
3335 addition to the license required by section 26-27, as amended by this
3336 act. Application for such permit shall be made on forms furnished by
3337 the commissioner and containing such information as he may require.
3338 Such permit shall be of a design prescribed by the commissioner, shall
3339 contain such information and conditions as the commissioner may
3340 require, and may be revoked for violation of any provision of this
3341 chapter or regulations adopted pursuant thereto. As used in this
3342 section, "muzzleloader" means a rifle or shotgun of at least forty-five
3343 caliber, incapable of firing a self-contained cartridge, which uses
3344 powder, a projectile, including, but not limited to, a standard round
3345 ball, mini-balls, maxi-balls and Sabot bullets, and wadding loaded
3346 separately at the muzzle end and "rifle" means a long gun the projectile
3347 of which is six millimeters or larger in diameter. The fee for a firearms
3348 permit shall be [fourteen] twenty-eight dollars for residents of the state
3349 and [fifty] one hundred dollars for nonresidents, except that any
3350 nonresident who is an active full-time member of the armed forces, as
3351 defined in section 27-103, may purchase a firearms permit for the same
3352 fee as is charged a resident of the state. The commissioner shall issue,
3353 without fee, a private land deer permit to the owner of ten or more
3354 acres of private land and the husband or wife, parent, grandparent,
3355 sibling and any lineal descendant of such owner, provided no such
3356 owner, husband or wife, parent, grandparent, sibling or lineal
3357 descendant shall be issued more than one such permit per season.
3358 Such permit shall allow the use of a rifle, shotgun, muzzleloader or
3359 bow and arrow on such land from November first to December thirty-
3360 first, inclusive. Deer may be so hunted at such times and in such areas
3361 of such state-owned land as are designated by the Commissioner of

3362 Environmental Protection and on privately owned land with the
3363 signed consent of the landowner, on forms furnished by the
3364 department, and such signed consent shall be carried by any person
3365 when so hunting on private land. The owner of ten acres or more of
3366 private land may allow the use of a rifle to hunt deer on such land
3367 during the shotgun season. The commissioner shall determine, by
3368 regulation, the number of consent forms issued for any regulated area
3369 established by said commissioner. The commissioner shall provide for
3370 a fair and equitable random method for the selection of successful
3371 applicants who may obtain shotgun and muzzleloader permits for
3372 hunting deer on state lands. Any person whose name appears on more
3373 than one application for a shotgun permit or more than one
3374 application for a muzzleloader permit shall be disqualified from the
3375 selection process for such permit. No person shall hunt, pursue,
3376 wound or kill deer with a bow and arrow without first obtaining a
3377 bow and arrow permit pursuant to section 26-86c, as amended by this
3378 act. "Bow and arrow" as used in this section and in section 26-86c, as
3379 amended by this act, means a bow with a draw weight of not less than
3380 forty pounds. The arrowhead shall have two or more blades and may
3381 not be less than seven-eighths of an inch at the widest point. No person
3382 shall carry firearms of any kind while hunting with a bow and arrow
3383 under said sections.

3384 (b) Any person who takes a deer without a permit shall be fined not
3385 less than two hundred dollars or more than five hundred dollars or
3386 imprisoned not less than thirty days or more than six months or shall
3387 be both fined and imprisoned, for the first offense, and for each
3388 subsequent offense shall be fined not less than two hundred dollars or
3389 more than one thousand dollars or imprisoned not more than one year
3390 or shall be both fined and imprisoned.

3391 Sec. 69. Section 26-86c of the general statutes is repealed and the
3392 following is substituted in lieu thereof (*Effective July 1, 2009*):

3393 No person may hunt deer or small game with a bow and arrow

3394 under the provisions of this chapter without a valid permit issued by
3395 the Commissioner of Environmental Protection pursuant to this
3396 section or section 26-86a, as amended by this act, for persons hunting
3397 deer with bow and arrow under private land deer permits issued free
3398 to qualifying landowners, or their husbands or wives, parents,
3399 grandparents, lineal descendants or siblings under that section. The fee
3400 for such bow and arrow permit to hunt deer and small game shall be
3401 [thirty] sixty dollars for residents and [one] two hundred dollars for
3402 nonresidents, or [thirteen] twenty-six dollars for any person twelve
3403 years of age or older but under sixteen years of age, except that any
3404 nonresident who is an active full-time member of the armed forces, as
3405 defined in section 27-103, may purchase a bow and arrow permit to
3406 hunt deer and small game for the same fee as is charged a resident of
3407 the state. Permits to hunt with a bow and arrow under the provisions
3408 of this chapter shall be issued only to qualified applicants therefor by
3409 the Commissioner of Environmental Protection, in such form as said
3410 commissioner prescribes. Applications shall be made on forms
3411 furnished by the commissioner containing such information as he may
3412 require and all such application forms shall have printed thereon: "I
3413 declare under the penalties of false statement that the statements
3414 herein made by me are true and correct." Any person who makes any
3415 material false statement on such application form shall be guilty of
3416 false statement and shall be subject to the penalties provided for false
3417 statement and said offense shall be deemed to have been committed in
3418 the town in which the applicant resides. No such application shall
3419 contain any material false statement. On and after January 1, 2002,
3420 permits to hunt with a bow and arrow under the provisions of this
3421 chapter shall be issued only to qualified applicants who have
3422 successfully completed the conservation education bow hunting
3423 course as specified in section 26-31 or an equivalent course in another
3424 state.

3425 Sec. 70. Subsection (c) of section 26-142a of the general statutes is
3426 repealed and the following is substituted in lieu thereof (*Effective July*
3427 *1, 2009*):

(c) The fee for the following fishing licenses and registrations and for a commercial fishing vessel permit shall be: (1) For a license to take blue crabs for commercial purposes, ~~[seventy-five]~~ one hundred fifty dollars; (2) for a license to take lobsters for personal use, but not for sale, (A) by the use of not more than ten lobster pots, traps or similar devices provided finfish may be taken incidentally during such use if taken in accordance with recreational fishery creel limits adopted under section 26-159a and if taken for personal use and not for sale, or (B) by skin diving, scuba diving or by hand, ~~[sixty]~~ one hundred twenty dollars; (3) for a license to take lobsters, fish or crabs, other than blue crabs for personal use or for sale, by the use of more than ten lobster pots or similar devices, one hundred ~~[fifty]~~ ninety dollars for residents of this state and two hundred ~~[twenty-five]~~ eighty-five dollars for nonresidents, provided any such license issued to a resident of a state that does not issue commercial licenses conferring the same authority to take lobsters to residents of Connecticut shall be limited to the taking of crabs, other than blue crabs, and a nonresident shall not be issued such license if the laws of the nonresident's state concerning the taking of lobster are less restrictive than regulations adopted pursuant to section 26-157c; (4) for a license to take lobsters, crabs other than blue crabs, squid, sea scallops and finfish, for personal use or for sale, by the use of more than ten lobster pots or similar devices, or by the use of any otter trawl, balloon trawl, beam trawl, sea scallop dredge or similar device, two hundred ~~[twenty-five]~~ eighty-five dollars for residents of this state and one thousand ~~[two hundred fifty]~~ five hundred dollars for nonresidents, provided any such license issued to residents of states which do not issue commercial licenses conferring the same authority to take lobsters to residents of Connecticut shall be limited to the taking of crabs other than blue crabs, squid, sea scallops and finfish by the use of any otter trawl, balloon trawl, beam trawl, sea scallop dredge or similar device, and a nonresident shall not be issued such license if the laws of the state of residency concerning the taking of lobster are less restrictive than regulations adopted under the authority of section 26-157c; (5) for a license to set or tend gill nets,

3462 seines, scap or scoop nets used to take American shad, [one] two
3463 hundred dollars; (6) for the registration of each pound net or similar
3464 device used to take finfish, two hundred [twenty-five] eighty-five
3465 dollars, provided persons setting, operating, tending or assisting in
3466 setting, operating or tending such pound nets shall not be required to
3467 be licensed; (7) for a license to set or tend gill nets, seines, traps, fish
3468 pots, cast nets, fykes, scaps, scoops, eel pots or similar devices to take
3469 finfish other than American shad or bait species for commercial
3470 purposes, or, in any waters seaward of the inland district demarcation
3471 line, to take finfish other than American shad or bait species for
3472 commercial purposes by hook and line, or to take horseshoe crabs by
3473 hand, one hundred [fifty] ninety dollars for residents of this state and
3474 two hundred fifty dollars for nonresidents, and any such license
3475 obtained for the taking of any fish species for commercial purposes by
3476 hook and line, in excess of any creel limit adopted under the authority
3477 of section 26-159a, three hundred seventy-five dollars for residents of
3478 this state and [five hundred] six hundred twenty-five dollars for
3479 nonresidents, provided for the taking for bait of horseshoe crabs only,
3480 this license may be issued without regard to the limitations in section
3481 26-142b to any holder of a Department of Agriculture conch license
3482 who held such license between January 1, 1995, and July 1, 2000,
3483 inclusive; (8) for a license to set or tend seines, traps, scaps, scoops,
3484 weirs or similar devices to take bait species in the inland district for
3485 commercial purposes, [fifty] one hundred dollars; (9) for a license to
3486 set or tend seines, traps, scaps, scoops or similar devices to take bait
3487 species in the marine district for commercial purposes, [fifty] one
3488 hundred dollars; (10) for a license to buy finfish, lobsters, crabs,
3489 including blue crabs and horseshoe crabs, sea scallops, squid or bait
3490 species for resale from any commercial fisherman licensed to take or
3491 land such species for commercial purposes, regardless of where taken,
3492 two hundred fifty dollars; (11) for the registration of any party boat,
3493 head boat or charter boat used for fishing, [two hundred fifty] three
3494 hundred fifteen dollars; (12) for a license to land finfish, lobsters, crabs,
3495 including blue crabs and horseshoe crabs, sea scallops, squid or bait

3496 species, [four] five hundred dollars; (13) for a commercial fishing
3497 vessel permit, [fifty] one hundred dollars; (14) for a license to take
3498 menhaden from marine waters for personal use, but not for sale, by the
3499 use of a single gill net not more than sixty feet in length, [fifty] one
3500 hundred dollars; (15) for an environmental tourism cruise vessel
3501 permit, [fifty] one hundred dollars, provided the landing of any
3502 species regulated under Department of Environmental Protection
3503 regulations is prohibited.

3504 Sec. 71. Section 26-149 of the general statutes is repealed and the
3505 following is substituted in lieu thereof (*Effective July 1, 2009*):

3506 No person shall operate a commercial hatchery to hold, hatch or
3507 rear finfish or crustaceans, including, but not limited to, lobsters and
3508 blue crabs, in this state unless such person has obtained a commercial
3509 hatchery license from the Commissioner of Agriculture in accordance
3510 with the provisions of section 22-11h. The commissioner may issue
3511 such license to qualified applicants upon the submission of an
3512 application, on forms provided by the commissioner, containing such
3513 information as prescribed by the commissioner. There shall be an
3514 annual fee of [sixty-five] one hundred thirty dollars for each such
3515 license. Such license shall expire on the last day of December next after
3516 the issuance thereof. All legally acquired finfish and crustaceans
3517 hatched, reared or held in commercial hatcheries may be taken and
3518 sold at any time for the purpose of stocking other waters, for bait or for
3519 food, except that lobsters or blue crabs sold for any purpose other than
3520 for rearing in another commercial hatchery shall not have ova or
3521 spawn attached and must meet the minimum legal length
3522 requirements provided in subsection (a) of section 26-157a. Each owner
3523 or operator of any such hatchery shall keep such records as are
3524 required by the commissioner on forms provided by the commissioner
3525 which record shall be open to inspection by said commissioner or the
3526 commissioner's authorized agents at any time and a copy of such
3527 records shall be furnished to the commissioner by January thirty-first
3528 of the year following the year covered by the report. Representatives of

3529 the commissioner may enter upon the premises of any such licensed
3530 hatchery at any time to inspect any facility, equipment, impoundment
3531 or any finfish or crustaceans to determine the presence of disease or
3532 parasites. In such case said commissioner, when so requested, may
3533 render such technical assistance as is necessary and possible and may
3534 charge a reasonable fee for such services. In the event that the presence
3535 of disease or parasites is confirmed in finfish or crustaceans hatched,
3536 held or reared in such licensed hatchery said commissioner is
3537 authorized to suspend or revoke any such commercial hatchery license
3538 and issue an order prohibiting the sale, exchange or removal from such
3539 premises of such finfish or crustaceans, and direct such disposition of
3540 such remaining finfish or crustaceans including the eggs of such finfish
3541 or crustaceans as the commissioner determines would be in the public
3542 interest. Any person issued a license to operate a commercial finfish
3543 hatchery may charge a fee for the privilege of fishing in the waters
3544 included under said license and may sell any species of finfish
3545 removed therefrom, provided no sport fishing license shall be
3546 required. Said commissioner may adopt regulations, in accordance
3547 with the provisions of chapter 54, governing and prescribing the
3548 methods of taking such finfish and the conditions under which such
3549 finfish may be sold, removed from the premises, possessed and
3550 transported. Said commissioner may adopt regulations, in accordance
3551 with the provisions of chapter 54, governing and prescribing the
3552 method of taking particular species of finfish and the conditions under
3553 which such finfish may be removed from the premises, possessed and
3554 transported, without a sport fishing license, from artificial facilities at
3555 fairs, sportsmen's shows and at such other place as said commissioner
3556 authorizes. Persons operating such facilities shall not be required to
3557 pay a fee to said commissioner and such persons may charge a fee for
3558 the privilege of fishing in such water, provided any such facility and
3559 any finfish used in connection therewith may be inspected at any time
3560 by any representative of the department to determine the presence of
3561 disease or parasites. In the event the presence of disease or parasites is
3562 confirmed any such representative may issue a written order directing

3563 that such facility be immediately closed to the public and directing
3564 such disposition of such remaining finfish as would be in the public
3565 interest. Any person who violates any provision of this section or any
3566 regulation adopted or order issued by the commissioner, or such
3567 representative, or any person who, without proper authorization, takes
3568 or attempts to take any finfish or crustacean from any waters described
3569 herein shall be fined not more than two hundred dollars or be
3570 imprisoned for not more than thirty days or both.

3571 Sec. 72. (NEW) (*Effective October 1, 2009*) Any person, firm,
3572 corporation, franchise or other entity engaged in the harvesting of
3573 shellfish for wholesale or retail sale from shellfish grounds lying
3574 within the waters of this state shall pay to the Commissioner of
3575 Environmental Protection a fee of one dollar for each bushel bag or
3576 equivalent of shellfish harvested by such person, firm, corporation,
3577 franchise or other entity for wholesale or retail sale. Such fee shall be
3578 known as the "shellfish harvest fee" and be paid to the commissioner
3579 by the tenth day of each calendar month for all shellfish so harvested
3580 by such person, firm, corporation, franchise or other entity in the
3581 month previous. If such fee due is not paid on or before the date such
3582 fee becomes payable, the commissioner shall make and issue a warrant
3583 for the collection thereof, with interest thereon, at the rate of one per
3584 cent per month from the day such fee becomes payable until paid, with
3585 the expenses of such collection, which warrant shall authorize any
3586 reputable person named therein to seize any vessel, vehicle,
3587 equipment, dock, building, structure or any other asset or property
3588 owned and used by such person, firm, corporation, franchise or other
3589 entity for the harvest, storage, transport or sale of shellfish and to sell
3590 the same, or so much thereof as he may find necessary, at such time
3591 and place, in such manner and by such person as said commissioner
3592 may direct, whereupon such sale shall be so made, and such warrant
3593 shall be immediately returned to said commissioner by such person
3594 with all their doings endorsed thereon, and shall pay to said
3595 commissioner the money received upon such sale, and the
3596 commissioner shall apply the same to the payment of such fee and all

3597 the expenses thereon, including the expenses of such sale, returning
3598 any balance that remains to such owner or owners. All moneys
3599 received by said commissioner in payment of fees and interest shall be
3600 accounted for and deposited in the General Fund.

3601 Sec. 73. Subsection (f) of section 22a-63 of the general statutes is
3602 repealed and the following is substituted in lieu thereof (*Effective July*
3603 *1, 2009*):

3604 (f) Any person who is not certified as a commercial applicator who
3605 performs or advertises or solicits to perform commercial application of
3606 a pesticide, or any person possessing an operational certificate for
3607 commercial application under section 22a-54 who performs or
3608 advertises or solicits to perform any activity requiring a supervisory
3609 certificate for commercial application shall be assessed a civil penalty
3610 in an amount not less than one thousand dollars or more than two
3611 thousand dollars for each day such violation continues. For any
3612 subsequent violation, such penalty shall be not more than five
3613 thousand dollars. The Attorney General, upon complaint of the
3614 commissioner, may institute a civil action to recover such penalty in
3615 the superior court for the judicial district of Hartford. [Any penalties
3616 collected under this subsection shall be deposited in the
3617 Environmental Quality Fund established under section 22a-27g and
3618 shall be used by the commissioner to carry out the purposes of this
3619 section.]

3620 Sec. 74. Subsection (h) of section 22a-174 of the general statutes is
3621 repealed and the following is substituted in lieu thereof (*Effective July*
3622 *1, 2009*):

3623 (h) The commissioner may require, by regulations adopted in
3624 accordance with the provisions of chapter 54, payment of a fee by the
3625 owner or operator of a source of air pollution, sufficient to cover the
3626 reasonable cost of a visual test of an air pollution control device
3627 through the use of a dust compound in the detection of leaks in such
3628 device, or the monitoring of such test, provided such fee may not

3629 exceed the average cost to the department for the conduct or
3630 monitoring of such tests plus ten per cent of such average cost. [Except
3631 as specified in section 22a-27g, all] All payments received by the
3632 commissioner pursuant to this subsection shall be deposited in the
3633 General Fund and credited to the appropriations of the Department of
3634 Environmental Protection in accordance with the provisions of section
3635 4-86.

3636 Sec. 75. Subsections (a) and (b) of section 22a-630 of the general
3637 statutes are repealed and the following is substituted in lieu thereof
3638 (*Effective July 1, 2009*):

3639 (a) Each manufacturer of covered electronic devices shall register
3640 with the Department of Environmental Protection not later than
3641 January 1, 2008, and annually thereafter, on a form prescribed by the
3642 Commissioner of Environmental Protection and accompanied by a fee
3643 set by the Commissioner of Environmental Protection in accordance
3644 with this section and any regulations adopted pursuant to this section.
3645 The department may review, at a public hearing, as necessary, the
3646 CED recycling and registration fees. [The commissioner shall deposit
3647 the proceeds of the fees received from registrants in the electronic
3648 device recycling program account established under section 22a-27g
3649 for the purposes of covering the cost for the department to administer
3650 the program created in sections 22a-629 to 22a-640, inclusive, except as
3651 otherwise provided.]

3652 (b) Not later than January 1, 2008, each manufacturer that has sold
3653 more than one hundred CEDs in calendar year 2007 shall pay an initial
3654 registration fee of five thousand dollars. On or after January 1, 2008,
3655 each manufacturer that has not sold CEDs by any means in the state
3656 prior to January 1, 2008, shall pay an initial registration fee of five
3657 thousand dollars and an additional fee equivalent to the greater of: (1)
3658 One per cent of the prior year's total share of orphan devices expressed
3659 in pounds multiplied by fifty cents, or (2) one thousand dollars. [Such
3660 additional fee shall be deposited in the covered electronic recycler

3661 reimbursement account established under section 22a-27g for the
3662 purpose of reimbursing covered electronic recyclers for unpaid
3663 qualified expenses incurred under section 22a-631. The initial
3664 registration fee of five thousand dollars shall be deposited in the
3665 electronic device recycling program account established under section
3666 22a-27g for the purposes of covering the cost for the department to
3667 administer the program created in sections 22a-629 to 22a-640,
3668 inclusive.]

3669 Sec. 76. Subsection (d) of section 22a-631 of the general statutes is
3670 repealed and the following is substituted in lieu thereof (*Effective July*
3671 *1, 2009*):

3672 (d) On and after July 1, 2009, each manufacturer shall pay the
3673 reasonable costs of transportation and recycling incurred by a covered
3674 electronic recycler for the CEDs attributed to such manufacturer and
3675 the manufacturer's pro rata share of orphan devices processed by a
3676 covered electronic recycler. A manufacturer's pro rata share of orphan
3677 devices shall be calculated as a manufacturer's market share for the
3678 preceding calendar year divided by the total market share of all
3679 registered manufacturers for the same year multiplied by the total, in
3680 pounds, of orphan devices returned. The commissioner may suspend
3681 the registration of any manufacturer in arrears for more than ninety
3682 days. A manufacturer that has had such manufacturer's registration
3683 suspended in accordance with this subsection shall demonstrate that
3684 all past due payments and a penalty equivalent to ten per cent of such
3685 past due payments has been paid to the commissioner prior to seeking
3686 reinstatement of such registration. [The commissioner shall deposit
3687 such penalty in the covered electronic recycler reimbursement account
3688 established under section 22a-27g for the purpose of reimbursing
3689 covered electronic recyclers for unpaid qualified expenses in
3690 accordance with this section and any regulations adopted pursuant to
3691 section 22a-638. Any covered electronic recycler seeking
3692 reimbursement for such qualified expenses shall file a request with the
3693 commissioner and certify that such expenses are qualified. The

3694 commissioner shall reimburse each covered electronic recycler to the
3695 extent that funds are available.]

3696 Sec. 77. Subsection (c) of section 26-194 of the general statutes is
3697 repealed and the following is substituted in lieu thereof (*Effective July*
3698 *1, 2009*):

3699 (c) The Commissioner of Agriculture shall assess the owner of any
3700 facility that requires a certificate issued pursuant to section 16-50k or
3701 that requires approval by the Federal Energy Regulatory Commission
3702 and that crosses any grounds of Long Island Sound within the
3703 jurisdiction of the state, including, but not limited to, any shellfish area
3704 or leased, designated or granted grounds, an annual host payment fee
3705 of forty cents per linear foot for the length of such facility within the
3706 jurisdiction of the state. The Commissioner of Agriculture shall deposit
3707 seventy-five per cent of the proceeds of such fee into the expand and
3708 grow Connecticut agriculture account established pursuant to section
3709 22-38c and shall transfer the remaining twenty-five per cent to the
3710 [Commissioner of Environmental Protection for deposit into the
3711 Environmental Quality Fund established pursuant to section 22a-27g]
3712 General Fund.

3713 Sec. 78. Subsection (c) of section 7-131d of the general statutes is
3714 repealed and the following is substituted in lieu thereof (*Effective July*
3715 *1, 2009*):

3716 (c) No grant may be made under the protected open space and
3717 watershed land acquisition grant program established under
3718 subsection (a) of this section or under the Charter Oak open space
3719 grant program established under section 7-131t for: (1) Land to be used
3720 for commercial purposes or for recreational purposes requiring
3721 intensive development, including, but not limited to, golf courses,
3722 driving ranges, tennis courts, ballfields, swimming pools and uses by
3723 motorized vehicles other than vehicles needed by water companies to
3724 carry out their purposes, provided trails or pathways for pedestrians,
3725 motorized wheelchairs or nonmotorized vehicles shall not be

3726 considered intensive development; (2) land with environmental
3727 contamination over a significant portion of the property provided
3728 grants for land requiring remediation of environmental contamination
3729 may be made if remediation will be completed before acquisition of
3730 the land or any interest in the land and an environmental assessment
3731 approved by the Commissioner of Environmental Protection has been
3732 completed and no environmental use restriction applies to the land; (3)
3733 land which has already been committed for public use; (4)
3734 development costs, including, but not limited to, construction of
3735 ballfields, tennis courts, parking lots or roadways; (5) land to be
3736 acquired by eminent domain; or (6) reimbursement of in-kind services
3737 or incidental expenses associated with the acquisition of land. This
3738 subsection shall not prohibit the continuation of agricultural activity,
3739 the activities of a water company for public water supply purposes or
3740 the selling of timber incidental to management of the land which
3741 management is in accordance with approved forest management
3742 practices provided any proceeds of such timber sales shall be used for
3743 management of the land. In the case of land acquired under this
3744 section which is designated as a state park, any fees charged by the
3745 state for use of such land shall be used by the state in accordance with
3746 the provisions of title 23. [or section 22a-27h.]

3747 Sec. 79. Section 23-20 of the general statutes is repealed and the
3748 following is substituted in lieu thereof (*Effective July 1, 2009*):

3749 The Commissioner of Environmental Protection shall administer the
3750 statutes relating to forestry and the protection of forests. The
3751 commissioner may employ such field and office assistants as may be
3752 necessary for the execution of his or her duties. The commissioner
3753 may, from time to time, publish the forestry laws of the state and other
3754 literature of general interest and practical value pertaining to forestry.
3755 The commissioner may enter into cooperation with departments of the
3756 federal government for the promotion of forest resource management
3757 and protection within the state. The commissioner may, with the
3758 assistance of the State Forester, develop and administer plans for the

3759 protection and management of publicly owned woodlands. Such plans
3760 shall include, but not be limited to proposals for the establishment of
3761 forest plantations and the marketing of forest products. Not later than
3762 January 10, 2010, the commissioner shall apply to have publicly owned
3763 woodlands or products from such woodlands certified or licensed
3764 under one or more of the following, provided the commissioner uses
3765 private funding from gifts, donations or bequests, as authorized in this
3766 section, for the cost of all such applications: (1) The Sustainable
3767 Forestry Initiative Program, (2) the American Tree Farm System, (3) the
3768 Canadian Standards Association's Sustainable Management System
3769 Standards, (4) the Finnish Standard, (5) the Forest Stewardship
3770 Council, (6) the Pan-European Forest Certification Program, (7) the
3771 Swedish Standards, (8) the United Kingdom Woodland Assurance
3772 Scheme, (9) the Smart Wood Program, as administered by the
3773 Rainforest Alliance, or (10) any other programs deemed necessary, as
3774 determined by the commissioner. The commissioner shall implement
3775 any sustainable forestry practice necessary for such certification or
3776 licensure. The commissioner may accept, on behalf of the Department
3777 of Environmental Protection, any gifts, donations or bequests for the
3778 purposes of applying for and obtaining such certification or licensure.
3779 The commissioner may harvest forest products from woodlands
3780 owned by the state and take such other measures as he or she deems
3781 necessary for their efficient management and protection, may sell
3782 wood, timber and other products from any state woodlands whenever
3783 he or she deems such sales desirable and may develop recreational
3784 facilities in the woodlands managed by the Department of
3785 Environmental Protection. The commissioner shall charge no less than
3786 ten dollars per cord for any such wood or timber sold as fuel. The
3787 commissioner may rent state forest property and buildings thereon
3788 under his or her jurisdiction for a period not exceeding twenty-five
3789 years, provided any lease for such property and building for a term of
3790 more than ten years shall be subject to the review and approval of the
3791 State Properties Review Board. The proceeds of such sales, rentals and
3792 any receipts resulting from management of the state forests, or from

3793 reimbursements from other state departments or state institutions,
3794 shall be deposited in the General Fund in accordance with the
3795 provisions of section 4-32. [provided the amount of annual proceeds
3796 in excess of six hundred thousand dollars derived from the sale of
3797 wood, timber and other products from publicly owned woodlands
3798 shall be deposited in the Conservation Fund, as established in section
3799 22a-27h and shall be used only to support forestry programs.]
3800 Expenditures incurred by the commissioner for the protection,
3801 management and development of the forests, the preparation and
3802 marketing of forest products and the acquisition of land for the
3803 extension and completion of the state forests as provided in section 23-
3804 21 may [also] be paid with moneys appropriated from the General
3805 Fund. The provisions of this section shall not apply to land owned or
3806 managed by the state on which forest resource management measures
3807 may be restricted by deed, statute, or incompatible use. As used in this
3808 section, woodland means land owned or managed by a state agency
3809 and stocked with forest tree species not less than six hundred stems
3810 per acre and at least one year old.

3811 Sec. 80. Subdivision (7) of subsection (c) of section 23-65h of the
3812 general statutes is repealed and the following is substituted in lieu
3813 thereof (*Effective July 1, 2009*):

3814 (7) The commissioner may, by regulation, adopted in accordance
3815 with the provisions of chapter 54, prescribe fees for applicants to
3816 defray the cost of administering examinations and carrying out the
3817 provisions of this chapter. A state or municipal employee who engages
3818 in activities for which certification is required by this section solely as
3819 part of his employment shall be exempt from payment of a fee. Any
3820 certificate issued to a state or municipal employee for which a fee has
3821 not been paid shall be void upon termination of such government
3822 employment. [The fees collected in accordance with this section shall
3823 be deposited in the Environmental Conservation Fund established
3824 pursuant to section 22a-27h.]

3825 Sec. 81. Subsection (a) of section 26-3b of the general statutes is
3826 repealed and the following is substituted in lieu thereof (*Effective July*
3827 *1, 2009*):

3828 (a) When the Commissioner of Environmental Protection deems
3829 that it would be in the interest of the state, he may rent to any person,
3830 or assign departmental employees to occupy, houses, other buildings
3831 or property in the custody or control of said commissioner. If he rents
3832 property to persons who are not employees of the department he shall
3833 first obtain the approval of the State Properties Review Board and any
3834 such rent shall at least be equal to the fair market rental value of such
3835 property as determined by the commissioner, notwithstanding any
3836 other provision of the general statutes or of any regulations of any
3837 state agency. Rentals to persons other than departmental employees
3838 may be for commercial, residential or any other purpose that the
3839 commissioner deems to be in the interest of the state. If he assigns
3840 departmental employees to occupy such property, he may impose
3841 whatever conditions he deems necessary upon such assignment. He
3842 may also rent any such property to a departmental employee, and if, in
3843 his judgment, a rental fee should be charged to such employee, he shall
3844 determine such rental fee, notwithstanding any other provision of the
3845 general statutes or of any regulations of any state agency. The
3846 commissioner may, in the name of the state, execute leases, contracts
3847 or other documents to carry out the purposes of this section. [All
3848 moneys from the rental of any such property shall be deposited into
3849 the maintenance, repair and improvement account established under
3850 section 22a-27h.]

3851 Sec. 82. Subsection (g) of section 53a-217e of the general statutes is
3852 repealed and the following is substituted in lieu thereof (*Effective July*
3853 *1, 2009*):

3854 (g) Any fine imposed for a conviction under subsection (b), [or] (c),
3855 (d) or (e) of this section or subsection (b) of section 53-206d shall be
3856 deposited in the Criminal Injuries Compensation Fund established

3857 pursuant to section 54-215. [Any fine imposed for a conviction under
3858 subsection (d) or (e) of this section shall be deposited in the
3859 Conservation Fund established under section 22a-27h for land
3860 management or acquisition of hunting easements.]

3861 Sec. 83. Section 22a-190 of the general statutes is repealed and the
3862 following is substituted in lieu thereof (*Effective July 1, 2009*):

3863 As used in sections 22a-191, 22a-193 [.] and 22a-231 [and 22a-233,]
3864 "resources recovery facility" means a facility utilizing processes aimed
3865 at reclaiming the material or energy values from municipal solid
3866 wastes, "dioxin and furan emissions" means tetrachlorodibenzodioxin
3867 and tetrachlorodibenzofuran emissions or emissions of any other
3868 isomers of comparable toxicity.

3869 Sec. 84. Subsection (a) of section 22a-191a of the general statutes is
3870 repealed and the following is substituted in lieu thereof (*Effective July*
3871 *1, 2009*):

3872 (a) On or before February 1, 1994, the Commissioner of
3873 Environmental Protection, in conjunction with the dioxin testing
3874 program established under section 22a-191 and within available
3875 appropriations, shall prepare a plan to implement a program of testing
3876 of resource recovery facilities for the presence of mercury and other
3877 metals in the air emissions of such facilities. Such plan shall be
3878 submitted to the joint standing committee of the General Assembly
3879 having cognizance of matters relating to the environment. Such testing
3880 shall commence July 1, 1994, in accordance with applicable testing
3881 protocols established by the United States Environmental Protection
3882 Agency and shall be conducted at least once annually thereafter. [The
3883 costs of such testing shall be paid out of the solid waste account
3884 established pursuant to section 22a-233.]

3885 Sec. 85. Section 4-89 of the general statutes is repealed and the
3886 following is substituted in lieu thereof (*Effective July 1, 2009*):

3887 (a) No officer, department, board, commission, institution or other
3888 agency of the state shall, after the close of any fiscal year, incur, or vote
3889 or order or approve the incurring of, any obligation or expenditure
3890 under any appropriation made by the General Assembly for any fiscal
3891 year that had expired at the time the obligation for such expenditure
3892 was incurred. The Comptroller is authorized to draw warrants or
3893 process interdepartmental transactions against the available
3894 appropriations made for the current fiscal year for the payment of
3895 expenditures incurred during the prior fiscal year for which
3896 appropriations were made or in fulfillment of contracts properly made
3897 during such prior year, and the Treasurer is authorized to pay such
3898 warrants or record such interdepartmental transactions. The balances
3899 of certain appropriations which otherwise would lapse at the close of
3900 any fiscal year and for which no appropriation is made in the
3901 following year shall be extended into the succeeding fiscal year for the
3902 period of one month to permit liquidation of obligations of the prior
3903 fiscal year.

3904 (b) Except as provided in this section, all unexpended balances of
3905 appropriations made by the General Assembly in the state budget act
3906 shall lapse at the end of the period for which they have been made and
3907 shall revert to the unappropriated surplus of the fund from which such
3908 appropriation or appropriations were made, except that any
3909 appropriation for the improvement of or maintenance work by
3910 contract on public roads, for the purchase of land or the erection of
3911 buildings or new construction or for specific projects for capital
3912 improvements and repairs, provided in the case of such specific
3913 projects allotments shall have been made by the Governor for design
3914 and construction, shall continue to be available until the attainment of
3915 the object or the completion of the work for which such appropriation
3916 was made, but in no case for more than six years unless renewed by
3917 act of the General Assembly.

3918 (c) All unexpended balances of special appropriations made by the
3919 General Assembly for special programs, projects or studies shall lapse

3920 at the end of the period for which they have been made, except that if
3921 satisfied that the work of any such program, project or study is not
3922 completed and will continue during the following fiscal year, the
3923 Secretary of the Office of Policy and Management shall order any
3924 unexpended balance remaining in the special appropriation to be
3925 continued to the ensuing fiscal year.

3926 (d) Any appropriation made by the General Assembly for no
3927 specific period, or any unexpended balance thereof, shall lapse on June
3928 thirtieth in the fourth year after such appropriation was made,
3929 provided when the purpose for which any such appropriation was
3930 made has been accomplished or there is no further need for funds
3931 thereunder, the unexpended balance thereof, upon the written consent
3932 of the head of the department, board, commission, institution or other
3933 agency to which such appropriation was made, shall lapse and shall
3934 revert to the unappropriated surplus of the fund from which such
3935 appropriation was made.

3936 (e) The provisions of this section shall not apply to appropriations
3937 for Department of Transportation equipment, the highway and
3938 planning research program administered by the Department of
3939 Transportation, Department of Environmental Protection equipment
3940 or the purchase of public transportation equipment, the minor capital
3941 improvement account in the Department of Public Works, the
3942 litigation/settlement account in the Office of Policy and Management,
3943 library or educational equipment for the constituent units of the state
3944 system of higher education, or library or educational materials for the
3945 State Library, or the state-wide tourism marketing account of the
3946 Commission on Culture and Tourism. Such appropriations shall not
3947 lapse until the end of the fiscal year succeeding the fiscal year of the
3948 appropriation, provided an obligation to spend such funds has been
3949 incurred in the next preceding fiscal year, except that for the purposes
3950 of library or educational equipment or materials, such funds shall not
3951 exceed twenty-five per cent of the amount of the appropriation for
3952 such purposes.

3953 (f) The provisions of this section shall not apply to appropriations to
3954 the Department of Higher Education for student financial assistance
3955 for the scholarship program established under section 10a-169, for the
3956 high technology graduate scholarship program established under
3957 section 10a-170a, for Connecticut higher education centers of
3958 excellence established under section 10a-25h, for the minority
3959 advancement program established under subsection (b) of section
3960 10a-11, for the high technology doctoral fellowship program
3961 established under section 10a-25n, or to the operating funds of the
3962 constituent units of the state system of higher education established
3963 pursuant to sections 10a-105, 10a-99 and 10a-77. Such appropriations
3964 shall not lapse until the end of the fiscal year succeeding the fiscal year
3965 of the appropriation except that centers of excellence appropriations
3966 deposited by the board of governors in the Endowed Chair Investment
3967 Fund, established under section 10a-20a, shall not lapse but shall be
3968 held permanently in the Endowed Chair Investment Fund and any
3969 moneys remaining in higher education operating funds of the
3970 constituent units of the state system of higher education shall not lapse
3971 but shall be held permanently in such funds. On or before September
3972 first, annually, the Board of Governors of Higher Education shall
3973 submit a report to the joint standing committee of the General
3974 Assembly having cognizance of matters relating to appropriations and
3975 the budgets of state agencies, through the Office of Fiscal Analysis,
3976 concerning the amount of each such appropriation carried over from
3977 the preceding fiscal year.

3978 (g) The provisions of this section shall not apply to appropriations
3979 to the Commission on the Deaf and Hearing Impaired in an amount
3980 not greater than the amount of reimbursements of prior year
3981 expenditures for the services of interpreters received by the
3982 commission during the fiscal year pursuant to section 46a-33b and
3983 such appropriations shall not lapse until the end of the fiscal year
3984 succeeding the fiscal year of the appropriation.

3985 [(h) The provisions of this section shall not apply to appropriations

3986 from the municipal solid waste recycling trust account established
3987 under subsection (d) of section 22a-241. Such appropriations shall not
3988 lapse.]

3989 [(i)] (h) The provisions of this section shall not apply to
3990 appropriations to the Labor Department, from the General Fund, for
3991 the federal Workforce Investment Act. Such appropriations shall not
3992 lapse.

3993 Sec. 86. Subsection (b) of section 15-140f of the general statutes is
3994 repealed and the following is substituted in lieu thereof (*Effective July*
3995 *1, 2009*):

3996 (b) The commissioner shall adopt regulations, in accordance with
3997 the provisions of chapter 54, setting forth the content of safe boating
3998 operation courses. Such regulations may include provisions for
3999 examinations, issuance of safe boating certificates and establishment of
4000 reasonable fees for the course and examination and for issuing
4001 certificates, temporary certificates and duplicate certificates. [Any fees
4002 collected pursuant to such regulations shall be deposited in the boating
4003 account established pursuant to section 15-155.]

4004 Sec. 87. Subsection (d) of section 15-140j of the general statutes is
4005 repealed and the following is substituted in lieu thereof (*Effective July*
4006 *1, 2009*):

4007 (d) The commissioner may adopt regulations, in accordance with
4008 the provisions of chapter 54, establishing the content of courses in safe
4009 personal watercraft handling. Such regulations may include provisions
4010 for examinations, issuance of certificates of personal watercraft
4011 operation and establishment of a reasonable fee for such course and
4012 examination and for the issuance of a certificate and duplicate
4013 certificate. [Any fee collected pursuant to regulations adopted under
4014 this section shall be deposited in the boating account established
4015 pursuant to section 15-155.]

4016 Sec. 88. Subsection (b) of section 14-21i of the general statutes is
4017 repealed and the following is substituted in lieu thereof (*Effective July*
4018 *1, 2009*):

4019 (b) The Commissioner of Motor Vehicles shall establish, by
4020 regulations adopted in accordance with chapter 54, a fee to be charged
4021 for greenways commemorative number plates in addition to the
4022 regular fee or fees prescribed for the registration of a motor vehicle.
4023 The fee shall be for such number plates with letters and numbers
4024 selected by the Commissioner of Motor Vehicles. The Commissioner of
4025 Motor Vehicles may establish a higher fee for: (1) Such number plates
4026 which contain letters in place of numbers as authorized by section 14-
4027 49, in addition to the fee or fees prescribed for plates issued under said
4028 section; and (2) such number plates which are low number plates, in
4029 accordance with section 14-160, in addition to the fee or fees prescribed
4030 for plates issued under said section. [All fees established and collected
4031 pursuant to this section shall be deposited in the greenways account of
4032 the Conservation Fund, established pursuant to section 22a-27o.]

4033 Sec. 89. Subsection (a) of section 15-145 of the general statutes is
4034 repealed and the following is substituted in lieu thereof (*Effective July*
4035 *1, 2009*):

4036 (a) A marine dealer or marine engine manufacturer may obtain one
4037 or more marine dealer's registration numbers upon application to the
4038 Commissioner of Environmental Protection, and upon payment of a
4039 fee of fifty dollars for each number. [Such funds shall be deposited in
4040 the boating account of the Conservation Fund.] Such application shall
4041 contain an affidavit stating that (1) such marine dealer is a person
4042 engaged in the business of manufacturing, selling or repairing new or
4043 used vessels and that such person has an established place of business
4044 for the sale, trade, display or repair of such vessels, or (2) such marine
4045 engine manufacturer is a person engaged in the business of
4046 manufacturing, selling or repairing marine engines and that such
4047 person has an established place of business for the sale, trade, display

4048 or repair of such engines. A marine dealer's or marine engine
4049 manufacturer's registration certificate shall be denominated as such
4050 and shall state the dealer's or engine manufacturer's name, residence
4051 address, business address, registration number, the expiration date of
4052 the certificate and such other information as the Commissioner of
4053 Environmental Protection may prescribe. The certificate, or a copy of
4054 the certificate, shall be carried aboard and shall be available for
4055 inspection upon each vessel which displays the dealer's registration
4056 number whenever such vessel is in operation. A number or certificate
4057 may not be used on more than one vessel at a time. Each certificate
4058 shall be renewed on the first day of May of the year following the date
4059 of issue and shall expire on the last day of April of the year following
4060 such renewal, unless sooner terminated or surrendered. At least thirty
4061 days prior to the expiration date of each certificate, the Commissioner
4062 of Environmental Protection shall notify each dealer and manufacturer
4063 of such expiration. Within ninety days before its expiration, each
4064 dealer's or manufacturer's certificate may be renewed upon application
4065 and upon payment of the fee provided in this section. Each registration
4066 number assigned to a marine dealer or marine engine manufacturer
4067 shall remain the same as long as such dealer or manufacturer
4068 continues, under the same name, in the business described in such
4069 dealer's or manufacturer's application affidavit as required pursuant to
4070 this subsection.

4071 Sec. 90. Section 22a-449i of the general statutes is repealed and the
4072 following is substituted in lieu thereof (*Effective July 1, 2009*):

4073 Nothing in sections 22a-449a to 22a-449h, inclusive, [and no
4074 determination of fact or law by the Underground Storage Tank
4075 Petroleum Clean-Up Account Review Board pursuant thereto,] shall
4076 affect the authority of the Commissioner of Environmental Protection
4077 or the Commissioner of Public Health under any other statute or
4078 regulation, including, but not limited to, the authority to issue any
4079 order to prevent or abate pollution or potential sources of pollution or
4080 to provide potable drinking water.

4081 Sec. 91. Subsections (a) and (b) of section 22a-471 of the general
4082 statutes are repealed and the following is substituted in lieu thereof
4083 (*Effective July 1, 2009*):

4084 (a) (1) If the commissioner determines that pollution of the
4085 groundwaters has occurred or can reasonably be expected to occur and
4086 the Commissioner of Public Health determines that the extent of
4087 pollution creates or can reasonably be expected to create an
4088 unacceptable risk of injury to the health or safety of persons using such
4089 groundwaters as a public or private source of water for drinking or
4090 other personal or domestic uses, the Commissioner of Environmental
4091 Protection shall, [as funds from the emergency spill response account
4092 established by section 22a-451 allow] within available appropriations,
4093 arrange for the short-term provision of potable drinking water to those
4094 residential buildings and elementary and secondary schools affected
4095 by such pollution until either he issues an order pursuant to this
4096 section requiring the provision of such short-term supply and the
4097 recipient complies with such order or a long-term supply of potable
4098 drinking water has been provided, whichever is earlier. In determining
4099 if pollution creates an unacceptable risk of injury, the Commissioner of
4100 Public Health shall balance all relevant and substantive facts and
4101 inferences and shall not be limited to a consideration of available
4102 statistical analysis but shall consider all of the evidence presented and
4103 any factor related to human health risks. The commissioner may issue
4104 an order to the person or municipality responsible for such pollution
4105 requiring that potable drinking water be provided to all persons
4106 affected by such pollution. If the commissioner finds that more than
4107 one person or municipality is responsible for such pollution, he shall
4108 attempt to apportion responsibility if he determines that
4109 apportionment is appropriate. If he does not apportion responsibility,
4110 all persons and municipalities responsible for the pollution of the
4111 groundwaters shall be jointly and severally responsible for the
4112 providing of potable drinking water to persons affected by such
4113 pollution. If the commissioner determines that the state or an agency
4114 or department of the state is responsible in whole or in part for the

4115 pollution of the groundwaters, such agency or department shall
4116 prepare or arrange for the preparation of an engineering report and
4117 shall provide or arrange for the provision of a long-term potable
4118 drinking water supply. If the commissioner is unable to determine the
4119 person or municipality responsible or if he determines that the
4120 responsible persons have no assets other than land, buildings, business
4121 machinery or livestock and are unable to secure a loan at a reasonable
4122 rate of interest to provide potable drinking water, he may prepare or
4123 arrange for the preparation of an engineering report and provide or
4124 arrange for the provision of a long-term potable drinking water supply
4125 or he may issue an order to the municipality wherein groundwaters
4126 unusable for potable drinking water are located requiring that short-
4127 term provision of potable drinking water be made to those existing
4128 residential buildings and elementary and secondary schools affected
4129 by such pollution and that long-term provision of potable drinking
4130 water be made to all persons affected by such pollution. For purposes
4131 of this section, "residential building" means any house, apartment,
4132 trailer, mobile manufactured home or other structure occupied by
4133 individuals as a dwelling, except a non-owner-occupied hotel or motel
4134 or a correctional institution.

4135 (2) Any order issued pursuant to this section may require the
4136 provision of potable drinking water in such quantities as the
4137 commissioner determines are necessary for drinking and other
4138 personal and domestic uses and may require the maintenance and
4139 monitoring of potable water supply facilities for any period which the
4140 commissioner determines is necessary. In making such determinations,
4141 the commissioner shall consider the short-term and long-term needs
4142 for potable drinking water and the health and safety of those persons
4143 whose water supply is unusable. Any order may require the
4144 submission of an engineering report which shall be subject to the
4145 approval of the commissioner and the Commissioner of Public Health
4146 and include, but not be limited to, a description in detail of the
4147 problem, area and population affected by pollution of the
4148 groundwaters; the expected duration of and extent of the pollution;

4149 alternate solutions including relative cost of construction or
4150 installation, operation and maintenance; design criteria on all alternate
4151 solutions; and any other information which the commissioner deems
4152 necessary. Upon review of such report, the commissioner and the
4153 Commissioner of Public Health shall consider the nature of the
4154 pollution, the expected duration and extent of the pollution, the health
4155 and safety of the persons affected, the initial and ongoing cost-
4156 effectiveness and reliability of each alternative and any other factors
4157 which they deem relevant, and shall approve a system or method to
4158 provide potable drinking water pursuant to the order. Each order shall
4159 include a time schedule for the accomplishment of the steps leading to
4160 the provision of potable drinking water. Notwithstanding the fact that
4161 a responsible party has been or may be identified or a request for a
4162 hearing on or a pending appeal from an order issued pursuant to this
4163 section, when pollution of the groundwaters has occurred or may
4164 reasonably be expected to occur, the commissioner may prepare or
4165 arrange for the preparation of an engineering report as described in
4166 this subdivision and may provide or arrange for the provision of a
4167 long-term potable drinking water supply. In any case where the state
4168 or an agency or department of the state is responsible in whole or in
4169 part for the pollution of the groundwaters, such agency or department
4170 shall prepare or arrange for the preparation of an engineering report
4171 and shall provide or arrange for the provision of a long-term potable
4172 drinking water supply, and if the state is not the sole responsible party,
4173 the commissioner shall seek reimbursement under subdivision (4) of
4174 subsection (b) of this section for the costs of such report and for the
4175 provision of potable water. The cost of the report and of the provision
4176 of a long-term potable drinking water supply, as funds allow, shall be
4177 paid from the [emergency spill response account pursuant to the
4178 provisions of subdivision (6) of subsection (d) of section 22a-451 or
4179 from the] proceeds of any bonds authorized for the provision of
4180 potable drinking water.

4181 (3) The provisions of this section shall not affect the rights of any
4182 municipality to institute suit to recover all damages, expenses and

4183 costs incurred by the municipality from any responsible party,
4184 including, but not limited to, the costs specified in subparagraph (B)(i)
4185 and (ii) of subdivision (4) of subsection (b) of this section and, in the
4186 case of any municipality which is not responsible for the pollution of
4187 the groundwaters, the additional amounts specified in subparagraph
4188 (B)(iii) and (iv) of subdivision (4) of subsection (b) of this section.

4189 (4) No provision of this section shall limit the liability of any person
4190 who or municipality which renders the groundwaters unusable for
4191 potable drinking water from a suit for damages by a person who or
4192 municipality which relied on said groundwaters for potable drinking
4193 water prior to the determination by the commissioner that the
4194 groundwaters are polluted.

4195 (5) The commissioner may issue any order pursuant to this section if
4196 the pollution of the groundwaters occurred before or after July 1, 1982.

4197 (6) The commissioner may at any time require further action by any
4198 person to whom or municipality to which an order is issued pursuant
4199 to this section if he determines that such action is necessary to protect
4200 the health and safety of those persons whose water supply was
4201 rendered unusable.

4202 (b) (1) (A) Any municipality not responsible for the pollution of the
4203 groundwaters which is ordered to provide potable drinking water in
4204 accordance with subsection (a) of this section may apply to the
4205 commissioner for a grant as provided by this subsection. Except as
4206 provided in subparagraph (C) of subdivision (1) of this subsection and
4207 in subdivision (2) of this subsection, the commissioner shall make
4208 grants for the short-term provision of potable drinking water and the
4209 construction or installation of individual wells or individual water
4210 treatment systems, including, but not limited to, carbon absorption
4211 filters and shall make grants for other capital improvements for the
4212 long-term provision of potable drinking water from [the emergency
4213 spill response account established by section 22a-451 or from] any
4214 bond authorization established for that purpose.

4215 (B) The amount distributed to a municipality shall, as funds allow,
4216 equal one hundred per cent of the cost of short-term provision of
4217 potable drinking water, one hundred per cent of the cost of the
4218 engineering report required by this section, one hundred per cent of
4219 the cost of capital improvements for the most cost-effective long-term
4220 method of providing potable drinking water as determined by the
4221 commissioner and the Commissioner of Public Health upon
4222 consideration of such engineering report, and one hundred per cent of
4223 the cost during the first five years of installation of monitoring and
4224 maintaining individual water treatment systems and monitoring
4225 drinking water wells located in an area where the commissioner
4226 determines that pollution of the groundwater is reasonably likely to
4227 occur. No state funds shall be distributed to a municipality for the cost
4228 of operating or maintaining any potable water supply facilities other
4229 than as specified in this subsection.

4230 (C) Notwithstanding any provision of this subsection to the
4231 contrary, the commissioner may advance to a municipality, from [the
4232 account established by section 22a-451 or from] the proceeds of any
4233 bonds authorized for the provision of potable drinking water, any
4234 percentage of the cost of short-term and long-term provision of potable
4235 drinking water which he deems necessary.

4236 (2) (A) If the commissioner is unable to determine the person or
4237 municipality responsible for rendering the groundwaters unusable for
4238 potable drinking water or if he determines that the responsible persons
4239 have no assets other than land, buildings, business machinery or
4240 livestock and are unable to secure a loan at a reasonable rate of interest
4241 to provide potable drinking water, a water company which has less
4242 than ten thousand customers and which owns, maintains, operates,
4243 manages, controls or employs a water supply well which is rendered
4244 unusable for potable drinking water, may apply to the commissioner
4245 for a grant from funds established pursuant to section 22a-451 or from
4246 the proceeds of any bonds authorized for the provision of potable
4247 drinking water. If, upon review of the engineering report required by

4248 this subsection to be submitted with an application for such a grant,
4249 the commissioner determines that a grant to a water company from
4250 [the emergency spill response account established by section 22a-451]
4251 available appropriations or from the proceeds of any bonds authorized
4252 for the provision of potable drinking water is appropriate, he may
4253 make such a grant in accordance with regulations adopted by him
4254 pursuant to subsection (e) of this section.

4255 (B) The total amount distributed to a water company pursuant to
4256 this subsection shall, as funds allow, equal fifty per cent of the cost of
4257 the engineering report required by this subsection and fifty per cent of
4258 the cost of the most cost-effective long-term method of rendering the
4259 water supply in question usable for potable drinking water, as
4260 determined by the commissioner and the Commissioner of Public
4261 Health upon consideration of the required engineering report.

4262 (C) For purposes of this section, "water company" and "customer"
4263 shall have the same meaning as specified in section 25-32a.

4264 (D) Any water company applying for a grant pursuant to this
4265 section shall prepare or have prepared an engineering report which
4266 shall be subject to the approval of the commissioner and the
4267 Commissioner of Public Health and include, but not be limited to, a
4268 description in detail of the problem, area and population affected by
4269 pollution of the groundwaters; alternate solutions including relative
4270 cost of construction or installation, operation and maintenance; design
4271 criteria on all alternate solutions and any other information the
4272 commissioner deems necessary.

4273 (3) (A) If a municipality or water company receives funding from a
4274 private source, a federal grant or another state grant for any cost for
4275 which a grant may be awarded pursuant to this section, the grant
4276 under this section shall equal the specified percentage of the costs
4277 specified in this subsection minus the amount of the other funding.

4278 (B) If a municipality or water company receives a grant under this

4279 section and is compensated by a person who or municipality which is
4280 responsible for rendering the groundwaters unusable for potable
4281 drinking water, the municipality or water company shall reimburse
4282 the account from which the funds were made available for the grant as
4283 follows: If the compensation from the responsible party equals or
4284 exceeds the costs toward which the grant was to be applied, the
4285 municipality or water company shall reimburse the total amount of the
4286 grant; if the compensation is less than the cost toward which the grant
4287 was to be applied, the municipality or water company shall reimburse
4288 a percentage of the compensation equal to the percentage of such costs
4289 paid by the grant.

4290 (4) (A) Notwithstanding any request for a hearing or a pending
4291 appeal therefrom, if a person or municipality responsible for pollution
4292 of the groundwaters fails to comply with an order of the commissioner
4293 issued pursuant to this section, the municipality wherein such
4294 pollution is located may, after giving written notice of its intent to the
4295 commissioner and the responsible person or municipality, undertake
4296 the actions required by the order and seek reimbursement for the cost
4297 of such actions from the responsible person or municipality. If at any
4298 time after receipt of such a notice, the responsible party intends to
4299 comply with a step of the order which the municipality has not yet
4300 completed, the responsible party may do so with the written approval
4301 of the commissioner and municipality, provided the actions which the
4302 responsible party takes are consistent with those taken by the
4303 municipality.

4304 (B) The commissioner may order any person or municipality
4305 responsible for pollution of the groundwaters to reimburse the state, a
4306 water company, and any municipality which is not responsible for
4307 pollution but received an order pursuant to this section or which did
4308 not receive such an order but voluntarily provided potable drinking
4309 water, for (i) the expenses each incurred in providing potable drinking
4310 water to any person affected by such pollution, provided the required
4311 reimbursement for such expenses shall not exceed the actual cost of

4312 short-term provision of potable drinking water and an amount equal
4313 to the reasonable cost of planning and implementing the most cost-
4314 effective long-term method of providing potable drinking water as
4315 determined by the commissioner and the Commissioner of Public
4316 Health; (ii) costs for recovering such reimbursement; (iii) interest on
4317 the expenses specified in (i) at a rate of ten per cent a year from the
4318 date such expenses were paid; and (iv) reasonable attorney's fees. The
4319 commissioner may request the Attorney General to bring a civil action
4320 to recover any costs or expenses incurred by the commissioner
4321 pursuant to this subsection provided no such action may be brought
4322 later than ten years after the date of discovery of the pollution of
4323 public or private sources of water for drinking or other personal or
4324 domestic use.

4325 (C) If a municipality fails to recover all expenses specified in
4326 subparagraph (B)(i) of subdivision (4) of this subsection from the
4327 responsible party, the municipality may apply to the commissioner for
4328 a grant in accordance with this subsection, provided the total amount
4329 of funds received from the commissioner and the responsible party
4330 shall not exceed the amounts specified in subparagraph (B) of
4331 subdivision (1) of subsection (b) of this section.

4332 (5) For purposes of this section except subdivision (3) of subsection
4333 (a) and subparagraph (B)(ii) of subdivision (4) of this subsection, "cost"
4334 includes only those costs which the commissioner determines are
4335 necessary and reasonable, including, but not limited to, the cost of
4336 plans and specifications, construction or installation and supervision
4337 thereof.

4338 (6) If any grant application is pending on June 7, 1994, and is
4339 approved by the commissioner, the percentage of costs to be paid by
4340 the grant shall be determined in accordance with this section. Any
4341 order pending on May 31, 1985, shall be construed in accordance with
4342 this section.

4343 (7) Any person who or municipality which provides potable

4344 drinking water pursuant to this section may, with the approval of the
4345 commissioner, construct or install facilities beyond the areas included
4346 in the order or facilities which are more costly than those which are
4347 determined to be most cost-effective, provided any request for a grant
4348 or reimbursement shall be limited to the amounts specified in this
4349 section.

4350 Sec. 92. Subsection (b) of section 14-21s of the general statutes is
4351 repealed and the following is substituted in lieu thereof (*Effective July*
4352 *1, 2009*):

4353 (b) A fee of fifty dollars shall be charged for wildlife conservation
4354 commemorative number plates, in addition to the regular fee or fees
4355 prescribed for the registration of a motor vehicle. Fifteen dollars of
4356 such fee shall be deposited in an account controlled by the Department
4357 of Motor Vehicles to be used for the cost of producing, issuing,
4358 renewing and replacing such number plates. [and thirty-five dollars of
4359 such fee shall be deposited in an account controlled by the Secretary of
4360 the Office of Policy and Management for purposes of section 14-21t.]
4361 Such number plates shall have letters and numbers selected by the
4362 Commissioner of Motor Vehicles. The commissioner may establish a
4363 higher fee for: (1) Number plates that contain the numbers and letters
4364 from a previously issued number plate; (2) number plates that contain
4365 letters in place of numbers as authorized by section 14-49, in addition
4366 to the fee or fees prescribed for registration under said section; and (3)
4367 number plates that are low number plates issued in accordance with
4368 section 14-160, in addition to the fee or fees prescribed for registration
4369 under said section.

4370 Sec. 93. Section 25-68l of the general statutes is repealed and the
4371 following is substituted in lieu thereof (*Effective July 1, 2009*):

4372 (a) On and after July 1, 2005, within available appropriations, the
4373 Commissioner of Environmental Protection shall make grants to
4374 municipalities under section 25-68k. [, from funds in the hazard
4375 mitigation and floodplain management account, established under

4376 section 22a-27q.]

4377 (b) If the commissioner finds that any grant awarded pursuant to
4378 this section is being used for other purposes or to supplant a previous
4379 source of funds, the commissioner may require repayment.

4380 Sec. 94. Section 23-23 of the general statutes is repealed and the
4381 following is substituted in lieu thereof (*Effective July 1, 2009*):

4382 (a) The Commissioner of Environmental Protection may, in
4383 cooperation with federal agencies, or by his own initiative, raise or
4384 purchase, with moneys appropriated from the General Fund, planting
4385 seed or seedling stock for reforestation, farm windbreaks, wildlife
4386 management plantings or soil conservation or other conservation
4387 purposes within the state and may sell such seedlings to landowners in
4388 this state, state agencies, municipalities or conservation organizations
4389 at prices which will cover the approximate cost of the seedlings to the
4390 state.

4391 (b) The commissioner may provide tree seedlings at no cost to any
4392 elementary or secondary school or conservation commission for the
4393 celebration of Arbor Day in accordance with any proclamation issued
4394 pursuant to subdivision (3) of subsection (a) of section 10-29a.

4395 (c) The commissioner may, when the space available in Connecticut
4396 state nurseries for the raising of seedling stock is in excess of that
4397 needed for raising such stock for use by Connecticut landowners, state
4398 agencies, municipalities or conservation organizations, enter into an
4399 agreement with any other state or the United States Forest Service to
4400 raise seedling stock in Connecticut state nurseries for use by such
4401 states or service for reforestation, farm windbreaks, wildlife
4402 management plantings or soil conservation or other conservation
4403 purposes. When the needs of landowners in this state have been met,
4404 the commissioner may: (1) Sell seedling stock to landowners, state
4405 agencies, municipalities or conservation organizations outside this
4406 state provided the state forester or the equivalent official of the state

4407 where the seedlings are to be planted has granted permission to do so;
4408 or (2) dispose of any excess of planting seed by sale to, or exchange
4409 with, any other state forestry organization or the United States Forest
4410 Service. Notwithstanding any other provision of the general statutes,
4411 the commissioner may sell such seeds and seedlings at prices or on
4412 such terms that he deems appropriate and such prices or terms may
4413 exceed the cost of the seeds or seedlings to the state of Connecticut.

4414 (d) The commissioner shall require that each purchaser of seedlings,
4415 except for any nonprofit conservation organization, sign an agreement
4416 stating that the seedlings will be used for the aforementioned purposes
4417 and will not be resold at any time with roots attached and he may take
4418 such other measures as he deems necessary to assure himself that
4419 seedlings so purchased shall not be used for shade trees, landscaping
4420 or ornamental plantings. Nonprofit conservation organizations may
4421 resell or otherwise distribute seedling stock purchased from the
4422 commissioner provided such resale or distribution is in furtherance of
4423 the purposes of this section. The commissioner shall require that each
4424 nonprofit conservation organization purchasing seedlings sign an
4425 agreement that the seedlings will be resold, distributed or otherwise
4426 utilized in furtherance of such purposes and he may take such other
4427 measures as he deems necessary to assure that seedlings so purchased
4428 shall not be used for shade trees, landscaping or ornamental plantings.

4429 [(e) All receipts from the sale of such seeds, seedling stock, all
4430 reimbursements from state agencies and all reimbursements for
4431 subsidies received from the federal government shall be deposited in
4432 the Conservation Fund established by section 22a-27h.]

4433 Sec. 95. Section 26-15 of the general statutes is repealed and the
4434 following is substituted in lieu thereof (*Effective from passage*):

4435 The state of Connecticut assents to the provisions of the Act of
4436 Congress entitled "An Act to Provide that the United States Shall Aid
4437 the States in Wildlife Restoration Projects, and for Other Purposes",
4438 approved September 2, 1937, and the Commissioner of Environmental

4439 Protection is authorized and directed to perform such acts as may be
 4440 necessary to the establishment and operation of cooperative wildlife
 4441 restoration projects, as defined in said act of congress, in compliance
 4442 with said act and with rules and regulations promulgated by the
 4443 Secretary of the Interior thereunder, and no funds accruing to the state
 4444 from license fees paid by hunters shall be diverted for any other
 4445 purpose than the protection, propagation, preservation and
 4446 investigation of fish and game and administration of the functions of
 4447 the department relating thereto.

4448 Sec. 96. Sections 12-460a, 14-21t, 15-155a, 15-155b, 22a-27g, 22a-27h,
 4449 22a-27k, 22a-27m, 22a-27n, 22a-27o, 22a-27q, 22a-233, 22a-449b, 22a-
 4450 451a and 22a-451b of the general statutes are repealed. (*Effective July 1,*
 4451 *2009*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	14-21e(b)
Sec. 2	<i>July 1, 2009</i>	14-49b
Sec. 3	<i>July 1, 2009</i>	15-155
Sec. 4	<i>July 1, 2009</i>	22a-6f
Sec. 5	<i>July 1, 2009</i>	22a-27j
Sec. 6	<i>July 1, 2009</i>	22a-50(g)
Sec. 7	<i>July 1, 2009</i>	22a-54(e) and (f)
Sec. 8	<i>July 1, 2009</i>	22a-54a
Sec. 9	<i>July 1, 2009</i>	22a-56(c)
Sec. 10	<i>July 1, 2009</i>	22a-66c(c)
Sec. 11	<i>July 1, 2009</i>	22a-66z
Sec. 12	<i>July 1, 2009</i>	22a-133f
Sec. 13	<i>July 1, 2009</i>	22a-133v
Sec. 14	<i>July 1, 2009</i>	22a-133x(e)
Sec. 15	<i>July 1, 2009</i>	22a-134e
Sec. 16	<i>July 1, 2009</i>	22a-150
Sec. 17	<i>July 1, 2009</i>	22a-201c
Sec. 18	<i>July 1, 2009</i>	22a-233a
Sec. 19	<i>July 1, 2009</i>	22a-234a
Sec. 20	<i>July 1, 2009</i>	22a-240a

Sec. 21	July 1, 2009	22a-241
Sec. 22	July 1, 2009	22a-241h
Sec. 23	July 1, 2009	22a-256t
Sec. 24	July 1, 2009	22a-256cc
Sec. 25	July 1, 2009	22a-342
Sec. 26	July 1, 2009	22a-361(a)
Sec. 27	July 1, 2009	22a-363c
Sec. 28	July 1, 2009	22a-372(e)
Sec. 29	July 1, 2009	22a-379
Sec. 30	July 1, 2009	22a-409(c)
Sec. 31	July 1, 2009	22a-449(e)
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Statement of Purpose:

To implement the Governor's budget recommendations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]